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LIFE

OF

GEORGE P. BARKER,

WITH

SKETCHES OF SOME OF HIS CELEBRATED SPEECHES; THE
PROCEEDINGS OF THE BAR OF ERIE COUNTY ON THE
OCCASION OF HIS DEATH;

AND THE

FUNERAL SERMON OF JOHN C. LORD, D. D.

BY GEORGE J. BRYAN.

BUFFALO:
OLIVER G. STEELE.

.....

1849.

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P R E F A C E .

It is with considerable diffidence that I present this work to the public. The ordinary difficulties which attend the preparation of a Biography, were in this instance considerably increased by causes which were directly connected with the subject of this memoir. GEORGE P. BARKER, it is true, is extensively known as a man of genius and fascinating social qualities, which language cannot adequately describe ; but from the peculiar character of his public efforts, I found it extremely difficult to collate materials out of which to frame a work that would do justice to his great reputation. Doubtless much of his fame was acquired by his splendid, and in some respects, unrivaled forensic efforts. The imperfect record of them, however, precluded their detailed narration. In my endeavors to portray his intellectual and social qualities, I may have failed to depict them as more experienced writers would have done. I may even have unintentionally offended those I am most desirous of pleasing. I trust, however, though all I submit can not be approved, it will not elicit condemnation. Undertakings like mine, are ever attended with difficulties, and sometimes meet with disapproval. As a general thing, I have met with the most gratifying and generous

support. To those kind friends who have cheered my humble enterprise by their countenance and efficient aid, I tender my cordial thanks. I must attribute their approval, however, rather to the high estimation in which they hold the memory of him I have feebly attempted to portray, than to any merit of my own. In conclusion, I ask for the imperfections and errors which may have crept into my work, the indulgence of a generous public.

G. J. B.

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LIFE OF BARKER.

CHAPTER I.

CONSPICUOUS among those names which have shed luster on Western New York, stands that of **GEORGE PAYSON BARKER**. Though all that was mortal of him has been gathered to his fathers, the fragrance of his good name survives in its original freshness. In his decease, Liberty lost one of its giant defenders;—Oratory, one of its colossal pillars;—Magnanimity, one of its noblest illustrations, and Generosity one of its striking examples. Few men ever lived in our country who were so singularly gifted with those rare qualities of the head and heart, that call forth admiration and enchain the affections. Entirely the architect of his

own fortune, he carved out by his energy, perseverance and talent, a name of which any man might well be proud. He was a man of genius, impetuous and brilliant. Tall, exceedingly prepossessing and commanding in person; urbane in his manners; generous to a fault, with an ear never closed to the appeals of suffering humanity; the possessor of oratorical powers which have been compared to those that immortalize the name of Henry Clay;—endowed with good judgment;—possessing great decision and elasticity of mind; accessible to all, no wonder he was so universally popular. His deep sympathy with the masses; his appreciation of their true condition; his ever ready aid to the suffering, gathered around him hosts of devoted friends, who were true, whether fortune frowned or smiled upon his pathway. Such were some of the general characteristics of the subject of this memoir. Citizens do not often over estimate townsmen, and sometimes see “things that are not to be seen” in the characters of those viewed through that distance which lends enchant-

ment. As a general thing, Buffalonians, however, have ever done justice to GEORGE P. BARKER. His name has become identified with the history of the city. His eloquence, his ardent, generous nature can not soon be forgotten. It is to place in a connected form the principal events of his brilliant career, that I write his biography. I have no desire to pen a fulsome panegyric. I shall endeavor in the course of this work to give in detail his history. While I freely accord to many greater ability to do so, I concede to no one a more enthusiastic admiration of his distinguishing traits. I purpose to narrate incidents illustrative of his character; to portray, as vividly and graphically as possible, his intellectual, moral and social qualities. If I succeed in chronicling a sufficiency of incidents to enable those who were unacquainted with him to arrive at an accurate estimate of his real character; if I can infuse into others something of the high admiration I entertain for the nobility of soul he possessed; something like a just estimation of his genius, my object will be attained. In my humble

judgment there are few men now living who excel him in those qualities which exalt and dignify. In the language of an esteemed friend and classmate of the deceased, he was "Generous, high minded, frank and chivalrous;—gifted with a most delicate sense of honor, and a brilliant intellect. Whether he was a "gentleman born" or not, I cannot say, but I am certain that nature made him a gentleman. There was an irresistible charm in his manner that no art or inheritance could impart."

Mr. Barker was born at Rindge, in the State of New Hampshire, on the 25th of October, 1807. He was an only child. His parents were respectable, and in his mother's line are found some of the most distinguished men in New England. Her maiden name was Payson. Mr. Barker was much indebted to Rev. Dr. Payson, his maternal uncle, a clergyman of high standing, for his early education. He was prepared for college in his native State, under the private tuition of a clergyman, which was a custom much in vogue in New England thirty years since. He always thought

this the most thorough part of his education. His father died when the subject of this memoir was quite young. His mother however, is still living at Rindge. Although far advanced in years, she is still in full possession of all the faculties of a mind of remarkable strength, and enjoys the esteem of all who know her.

The materials out of which to gather his early career, I found very imperfect. His character up to entering Amherst college, was that of a bold, restless and promising boy. He gave early indications of the genius for which he was afterwards noted. He was fond of youthful pastimes, and at an early age developed the vigorous frame of a man. He was admitted into Amherst college in 1823, and immediately became distinguished as an indefatigable student. He indeed soon ranked among the first scholars of the institution.

He entered the senior class in Union college in October, 1826, on an honorable dismission from Amherst. Rev. Dr. Nott, the venerable and highly esteemed President of Union collge, over which he has

presided for some forty four years, in answer to a letter addressed to him on the subject of Mr. Barker's collegiate career, writes me that he was in good standing as a scholar during the year he passed there, and that his attendance and application to study was equal to the best. He was in rather straightened circumstances, and depended mainly on his own exertions for support. He was often in the habit of attending the minor courts in Schenectady and some of the adjacent villages and trying causes. The remuneration however, for these services was of course inconsiderable. The college books show the prompt and honorable discharge after leaving, of an obligation left with them for a portion of his college bills. Many of his classmates in college have become distinguished. Prominent among them are Hon. Preston King; Hon. Levi Hubbell, formerly adjutant general of this state; Hon. Rufus W. Peckham of Albany; William W. Campbell of New York; Hon. Minthorne Tompkins, late state senator from Long Island; Hon. Virgil Paris, late

M. C. from Maine; Hon. P. H. Sylvester, M. C. from Kinderhook; Rev. President Woods, of Bowdoin college, Brunswick, Maine; Rev. President McMaster, of the Miami University, Oxford, Ohio; Rev. John Wayland, D. D., late of Canandaigua, and Ambrose Stevens, Esq., of New York. Rev. Arthur Burtis, now of this city was also one of his classmates. In our city are located several gentlemen who were in Union college at the time of Mr. B.'s connection with it, but they were members of younger classes and consequently did not graduate the same year. Hon. John T. Hudson, Hon. Joseph G. Masten, Elijah Ford, Esq., Dr. Charles Winne, and Rev. M. La Rue P. Thompson, are all I now recollect. To many of these gentlemen I addressed communications for the purpose of eliciting facts relative to his collegiate history. Quite a number of them rendered me prompt and satisfactory answers, which were of essential service. Some of them pronounced feeling and beautiful eulogies on the great merits of deceased. They speak of his personal appearance at that

age, (about 19 years) as being unusually imposing; his manners and address quite superior; his conversational powers as unrivaled; and as having a natural fluency which placed him much in advance of all others of his age in the charms of social conversation and in the debates in which the members of his class were called upon at times to engage. His liberality to students whose circumstances or position were not equal to his own, was always extended to the limits of his means. His kindness of heart and uniform amenity of deportment won a high place in the affections of all in the institution. He was an attentive and industrious student. In general information, history, biography, classical literature and the *belles-lettres*, he had few equals. Although in some departments of the course of studies he might have had superiors, it was thought he was unsurpassed in general scholarship. All confidently predicted that he would rise to distinction in after life. It was conceded that he possessed abilities, industry and energy sufficient to surmount all obstacles; they were of such a sterling

character as to be depressed by no opposition or adversity. He was in his college career sensibly alive to a good joke; in fact, were I disposed, I could narrate some adventures in which he shone proudly conspicuous. But, as it would be inconsistent with the limits of this work to do so, I forbear. None of them however, exhibited qualities of a very exceptionable nature. They were simply the exuberances of a high spirited youth; the offspring of a magnanimous disposition; the natural result of a keen sense of the ridiculous, and a convivial temperament. In many men they would have been less pardonable. They were to him part of his existence. He graduated with honor on the 27th of July, 1827, with the regard of his fellow students and the respect of the faculty, and at the public commencement delivered an oration which elicited warm encomiums by the elegance of its composition and the eloquence of its delivery. His departure from the institution was regarded by those who knew him, as the breaking up of agreeable associations and the sundering of the pleasant bonds of social intercourse.

CHAPTER II.

MR. BARKER came on to Buffalo with a fearless heart and with a determination to succeed in whatever he might undertake. He arrived in the city about the first of August, 1827, and soon after entered the office of STEPHEN G. AUSTIN, Esq., a highly respectable citizen, as a student at law. While in college, he entered his name as a student in the office of ALONZO C. PAIGE, Esq., in Schenectady, and on leaving, procured a certificate of six months' clerkship. He came into the city a stranger, but soon gained the esteem of some of the most substantial citizens by his industry and application to business, and noble social qualities. I need not recount his arduous struggles to rise ;—the difficulties he overcame, nor the courage with which he surmounted obstacles. Like other students, he sometimes resorted to minor courts, and engaged in the causes which came under their jurisdiction. He soon attracted public attention by

his superior oratorical powers, and was regarded as a young man of great promise. Vice President FILLMORE and Mr. BARKER were frequently employed on opposite sides in these minor courts, and each exerted himself to the utmost. Probably neither then anticipated their subsequent brilliant career. Mr. FILLMORE then evinced that great industry and application which has since distinguished him, and laid the foundation of his future eminence.

The dull *routine* of Mr. BARKER's studies were occasionally enlivened by adventures, some of which I shall notice. In order more fully to appreciate them, and not imbibe from them an erroneous impression, it is perhaps proper for me to state that Buffalo, at that early day, was essentially different from the present busy emporium. It was then a small but rapidly growing village. It is now a great commercial city of 45,000 inhabitants. The harbor did not then as now, present a forest of masts, and numerous floating steam palaces. The streets were not as now thronged with a moving mass of life by day, nor illuminated by bril-

liant gas lights at night. The genius of **BENJAMIN RATHBUN** had not then adorned it with edifices, which in architectural beauty and size compare favorably with those in older cities. Block after block of stately warehouses, and splendid private residences were not as now observed on all sides. None then living anticipated the rapid advances the city has since made in population, business and wealth. In other respects there was a difference. The want of literary institutions like the Young Men's Association, was felt by the young men, and the customs of the time were such as ordinarily pertain to a newly settled town. There is in every man's life a period when he acts from impulse. Youth, it is conceded, is generally that period. Then, if at all, do the passions master the judgment.

The subjoined incident has been kindly furnished by an intimate friend of deceased; —a gentleman of high respectability;—one who was alike his friend in youth and in after life when honors clustered around him. He was a participator also in the adventure. It illustrates his power to engage and entertain

under most unpropitious circumstances, by his extraordinary command of language, his eloquent descriptive powers, his wit, his address and manly bearing :

“On one occasion, some eighteen years ago, Barker and another young gentleman with myself, got up a sleigh ride and invited ten young ladies to go with us in a large stage sleigh to Hamburgh, some twelve miles out. We started late in the afternoon, intending to return in the evening after supper. Our ride out and sojourn at the public house there, was exceedingly enlivened by Barker’s inexhaustible fund of wit and humor. But before we were ready to return there came on a most violent storm of snow and wind, which damped the ardor and alarmed some of the more timid of the young ladies. We however sallied forth to return about ten o’clock ;—ten young ladies and three gentlemen crowded into one sleigh;—full of glee and animation, though the storm was unusually violent, even for this lake shore.

After proceeding a mile or two, the driver lost his road, and wandered far out of

his way, so that after some three hours drive over roads almost entirely obstructed by the drifting snow, we came to a dead halt in an open field, without the power of going another foot, and as we afterwards learned, some six miles out of our way in the town of Boston, a mile or more from any house, the weather intensely cold, with the storm and darkness increasing if possible. It was then that we all drew on Barker's resources to cheer, animate and encourage the ladies under the exigencies of the case, which had really become no joke. They all had to get out into the snow knee deep, so that we men, with the driver could lift the sleigh round, and get the horses again attached, taking our back track with a view of finding some habitation, as it had become absolutely necessary to keep from perishing. We at length reached a farm-house, roused the family, got a fire made, and our girls restored to life, and a pilot to conduct us on our right road. We reached a public house at Potter's Corners between two and three o'clock, when we stopped and took another supper and then pursued our way

home, reaching Buffalo a little after sunrise, with the thermometer below zero, nearer dead than alive. But in all the trouble and difficulty here related, our drafts on Barker were not dishonored ; he was the life of the party. Amid all the suffering and alarm of the young ladies, he would more than half the time keep them in a roar of laughter by his wit and humor.

“ Of this party of thirteen individuals, at this famous sleigh ride, which has ever been regarded by us all as an event of considerable importance in our lives, and always spoken of with much interest by ourselves and friends who were at the time acquainted with the facts, several of them have since died, several others are married and live here, and others are scattered about in various parts of the country, and will readily recognize this sketch of that sleigh ride to Hamburgh with Barker.”

The same gentleman says : “ During my intercourse with Mr. Barker of some twenty years, we have passed through many scenes together of mirth and frolic, scenes of business of much importance, and sea-

sons of sickness, trouble and great difficulty, and I have ever found him the same kind hearted friend, the same judicious counselor, and the same high minded, honorable man."

It may not be considered irrelevant, that I should now advert to the least attractive features in the character of him I am endeavoring to delineate. It is not surprising that a difference of opinion should exist as to the province of a biographer. All whose good opinion I most desire to retain, agree with me, that a fulsome eulogy is exceptionable. But all are not agreed, as to the course to be pursued to avoid subjecting myself to the charge of indiscriminate praise. My view of it, however, is, that other than a general allusion to the exceptionable characteristics of the subject of my memoir, I should particularly confine myself to giving, as fully and accurately as possible, his professional and political history. I have endeavored to conform to this opinion in a satisfactory manner. I have only deviated from it by introducing incidents illustrative of qualities we can all

commend. I am conscious that Mr. Barker had faults, for who has not? But, compared with his virtues they were insignificant. Whatever may have been their nature, they were never justified, and in the latter period of his life were deeply regretted. I do not deem it necessary to define them. I ask no one to imitate other than his virtues. In considering some adventures of his life, all the accompanying circumstances should be weighed. The period when they occurred—the character of the customs which prevailed at the time—the peculiar disposition and attributes of the man and his after conduct. As to the particular character of them, it is of no consequence. The great point to be considered is, from whence did they emanate? Were they afterwards regretted? Were they ever justified? With these observations I shall take leave of this subject. I am conscious of my own rectitude in making these allusions, and think they are alike due to myself and him to whom they relate.

Youth, hilarity and freedom from care are generally associated together. In after years, when man reaches maturity and old age, he often looks back with peculiar emotions to the golden hours of his youth. Its pleasures and its thousand glorious reminiscences are still dear to him and he cherishes their recollection as he would the memory of a pleasant dream. Social pastimes, however, did not divert Mr. Barker's attention from subjects of more moment. These sufficed but for his leisure hours. His intellect craved something more substantial. Previous to his leaving college he had taken no active part in the politics of the day, being devoted entirely to the prosecution of his studies. It may readily be conceived, however, that his active and intelligent mind could not long remain indifferent to the great questions of state which have divided and agitated the public mind from the foundation of the government; nor that he could refrain from being an actor in the great political strife for power and principle going on around him. He had, accordingly, investigated the

origin of parties ; carefully marked their distinctive characteristics, and from reason, conviction and inclination, he had early attached himself to the principles of democracy. At the time of his arrival in Buffalo, the state was agitated by the conflicting strife of three political parties—the Jackson or democratic, the National Republican, and anti-masonic parties. In the Eighth District, the anti-masonic party prevailed by a large majority over both the others ; the National Republican party was next in numerical strength, and the Jackson or democratic party was the smallest of the three. Actuated by no motive but principle, Mr. Barker did not hesitate in which of the three parties to enroll himself. Regardless of interests immediate or remote, and fully sensible of the hopeless minority of the democratic party in this section he fearlessly enrolled himself in its ranks, and with all his energy, zeal and ability, entered into the support of Gen. Jackson, and the principles of democracy. He wrote leading editorials during the campaign, for the Buffalo *Republican*, the first

democratic paper published in this city, and also furnished political communications for the same paper, over the signature of "*Amor Patria.*" He likewise, though not upon the committee appointed to prepare it, wrote the first address issued to the electors of this county by a democratic convention. The JACKSON party, as the democratic masses were styled, numbered then but a small band against the overwhelming majority of the dominant party in this section, but it was the nucleus, around which the democracy have since been rallying, and their "Corporal's Guard" of those times has often subsequently proved that the phalanx of their opponents is not invincible. The address then penned by Mr. Barker, is rather to be regarded as a foil to the splendid efforts of his after career, than as a production giving evidence of those great abilities that so shortly afterwards were commandingly developed. It was made a mark to be shot at by the newspaper scribblers of the day, who were particularly severe in their animadversions. The address, was, in truth, metaphorical to

a fault, declamative rather than argumentative in style, and more in the "Sophomore" vein than consistent with the grave nature of a declaration of political principles. It was of the imagination rather than the reason—but gave evidence, even in its unpruned luxuriance, of that fertility of genius, which, in after years, when time and opportunity had developed and cultivated his native powers, made Mr. Barker the eloquent orator.

In the excitement of the political warfare which grew out of the anti-masonic controversy, there were many bitter things said on both sides. Mr. Barker was particularly happy in repelling invectives of this character, by the severe retort, or the unanswerable sarcasm. On one occasion, when an opponent was denouncing Gen. Washington and other great men of the revolution for having countenanced the "mummuries of masonry," Mr. Barker replied: "Why, sir, a single kick from one of those illustrious men, would have immortalized you."

I have often heard Mr. Barker encourage

his political friends to renewed exertions during the dark campaign of 1840, and at the first inception of the division of the party in this state, by reciting the events which transpired in this county in 1828, when the Jackson party was formed. He said the first Jackson meeting ever convened in this city was attended by only seven persons, but they pressed forward and made regular nominations for all offices in the county. A large hand-bill containing the nominations was printed, surmounted by an *eagle large enough to protect a continent*. He mounted a gaunt nag with ample saddle bags filled with the democratic posting bills and thus commenced his first political pilgrimage in this county, buoyant in youthful spirits and firm in purpose, determined that the people here at least should have an opportunity to see democratic nominations, if they could not appreciate them. Nothing occurred to disturb his quiet avocations until he arrived I believe at Boston Corners. There he found a bar-room filled with village politicians debating the heinous crime of voting

or giving countenance to the democratic ticket. Mr. Barker with the coolness which was often manifest in his character, approached the landlord and suggested that he had a hand-bill which he wished to put up. The landlord, without knowing the nature of the missile, readily consented. He then commenced unrolling the ample folds of the printed eagle and nailed the same at the top of the wall and then followed along down the democratic nomination, and as he drove the nails into the lower part of the bill the sound was more dismal to the audience, than was the hammer of the celebrated Luther to the Catholic Bishops, when he nailed his creed to the door of the cathedral at Wittemberg. The audacity of the tall and graceful young democrat for a time confounded the anti-masonic congregation, and silence reigned. But, finally, after a long and breathless pause, a man of gigantic proportions, with a "huge paw" well suited to the size of the eagle, brought down with one fell swoop the bird of Jove and the democratic nominations. The blood of young Barker was

aroused at the indignity and as quick as thought he precipitated the hammer at the head of the intruder which brought him to the floor on the democratic platform which he had so ruthlessly torn from the wall. "Then commenced in that little bar-room" said Mr. Barker, "the contest between the anti-masonic and democratic parties, with the proportion of thirty to one." After a few interchanges of bar-room courtesies Mr. Barker, through the intercession of the landlord made a *compromise* with his assailants, but a number of the actors bore away on their eyes marks of the democratic influence. When Mr. Barker was prepared to leave, he found that his horse which had been fastened at the door had been turned loose and had wended his way home alone and when found was shorn of his tail and mane and bedaubed in a manner I cannot describe. The saddle bags and democratic handbills, saddle and bridle were discovered hanging at the top of the sign post and found guilty of high treason against anti-masonry.

The manner in which he would relate

incidents like the above reached the hearts of his hearers and revived the drooping spirits of his political associates.

The election of 1828 resulted, as is well known, in the entire defeat of national republicanism and anti-masonry, and the triumph throughout this state and the United States was complete. And to this result, Mr. Barker contributed in no trifling degree.

He was admitted to the bar in 1830, and commenced on the regular practice of his profession. Immediately after his admission, he entered into a co-partnership with S. G. Austin, Esq. The bar of Erie county at that time, comprised as much talent and learning, as perhaps any other of equal number in the state; and Mr. Barker had besides to contend against the odds of well established reputations, powerful connections, and settled business. He was, however, undaunted. He entered upon practice with the same untiring diligence and energy which distinguished him as a student, and he rose rapidly to the rank of the very first. He was appointed clerk of the village of

Buffalo, on the 2nd of June, 1829. In 1831, he was for the first time brought before the people for an elective office. He was nominated by the democratic party of the county for member of assembly. The election was not a general one, and no important questions were before the electors to call out a full vote. He nevertheless, obtained a handsome majority in the city, and the opposition majority in the county scarcely exceeded eight hundred. This vote, when the attendant circumstances are considered, evinced his popularity in an eminent degree. His youth; his brilliant talents; his great personal popularity, and his ambition rendered him an object of envy to older politicians and they put forth every exertion to secure his defeat. There was also a strong and confident majority to contend against. The official canvass was as follows:—Horace Clark, anti-mason, 2287; William Mills, do., 2066;—George P. Barker, democrat, 1459; Calvin Bishop, do., 1216.

In June, 1832, the co-partnership which had existed from 1830 between S. G. Aus-

tin, Esq., and Mr. Barker, was dissolved, and a co-partnership was formed with John T. Hudson, Esq., under the firm of Barker and Hudson. This partnership continued until April, 1836. He was appointed Attorney for the city of Buffalo in 1832. He was the first Attorney of the city. The same year, as soon as the rule of court permitted he was admitted to the degree of Counselor, and immediately after was appointed District Attorney of the county. The duties of the office were then, as now, extremely arduous and responsible. The criminal business transacted in Erie county, and which of course comes under the supervision of the prosecuting officer, is greater than in any county in the state, New York alone excepted. Mr. Barker made a fearless and able officer, and discharged his duties in a manner alike creditable to himself and satisfactory to the community. He in fact, laid the foundation for a higher legal position. I shall here briefly notice the imperial manner in which Mr. Barker addressed a jury. The annals of Western New York do not furnish his equal in that

respect. Although he could enchain a popular assemblage by the vigor and beauty of his declamation, his *forte* was before a jury. With a tall and commanding person, he united the rare qualities of a melodious voice of great power and discipline. His pronunciation, although occasionally ornamental, was generally correct, and his command of language wonderful. His figures were always striking and oftentimes extremely brilliant. His manner was animated and impassioned. He portrayed the passions with an artist's fidelity. He thrilled by his towering declamation, fascinated by his persuasive powers; moved by his pathos; his "gentlemen of the jury" once heard could not be forgotten. He was effective both in the defense and in the prosecution. Indeed, many of his intimate friends in the legal profession are undecided where he shone best—in the attack or defense. His efforts were generally crowned with success. He seized upon the prominent features of a case at once, and then presented them with great perspicuity. In the retort he was ever

ready. He loved a joke. He indulged his facetiae sometimes, even at the peril of his cause. His splendid efforts before juries are deserving of a better eulogy than I can give. Though few are in print, the name of those engraven on the memory of our citizens, is legion.

Mr. Barker discharged the duties of his office until the December term of the common pleas in 1836, when he resigned, and Hon. Henry K. Smith was appointed his successor. Mr. Smith held the office until the 7th June, 1837, when Henry W. Rogers, Esq., was appointed. Mr. Rogers after serving two terms was succeeded by S. G. Haven, Esq., in June, 1843. Each of these gentlemen are well known as able lawyers, and severally performed their duties in a satisfactory manner.

In the summer of 1834, Mr. Barker was married to Miss Abby Coit, a lady of high respectability and very fair accomplishments. This connection was productive of much happiness which was unbroken until Mr. Barker's death. Mrs. Barker is a sister of George Coit, Esq., one of our

oldest and most respectable citizens. After her husband's demise, she returned to her relatives at Norwich, Connecticut.

In the fall of the same year, Mr. Barker was nominated for congress by the democratic party. This, it will be recollected, was the panic year. The election was a general one; party lines were strictly drawn, political feelings ran high and the opposition exerted their utmost strength. Mr. Barker's friends entertained no hopes of success;—indeed, defeat seemed inevitable. He notwithstanding, received two hundred more votes than any other candidate on the democratic ticket, and his opponent was elected by nearly three hundred less votes than any other candidate on the opposition ticket. The official canvass shows the following:—Thomas C. Love, anti-mason, 4783; George P. Barker, democrat, 2466.

CHAPTER III.

I have thus far chronicled Mr. Barker's defeat as a candidate for public favor. I have now to speak of his success. Undaunted by previous trials; unshaken in their high estimation of their favorite;—unawed by the overwhelming anti-masonic majority in the county against them, Mr. Barker's political and personal friends again placed him in nomination for the assembly in the fall of 1835. They gathered around and bore him triumphantly through the contest. It was a severe one. His splendid abilities and great personal popularity rendered his defeat "a consummation devoutly to be wished." Every thing was brought to bear against him which ingenuity, hatred and envy could devise. His strength with the people, however, was too great to be overcome. His star was in

the ascendant. The canvass resulted in his election by the very handsome majority of 1180! In the city of Buffalo, his residence, where of course he was best known, and where the great strength and influence of the opposition principally lay, out of a poll of about 1900 votes he received a majority of 1212! The vote in the county was as follows:—George P. Barker, (democrat,) 3400; Chauncey Hastings, do., 2442;—Noah P. Sprague, (whig,) 2220; Wells Brooks, do., 2652.

Thus, in the 28th year of his age; in the zenith of his intellect, he was called to take part in the Legislation of the Empire State! Subsequent events fully demonstrated that his friends had rightly estimated his abilities. His legislative career reflected honor on Western New York, and placed his fame beyond the reach of envy and calumny.

The November election in 1835 was not very sharply contested in most of the counties in the state. It as usual resulted in favor of the democratic party. The following senators were chosen:—

From the First District, Henry Floyd Jones,

From the Second District, Ebenezer Lounsbury, and John Hunter; Third do., James Powers; Fourth, do., David Spraker; Fifth do., David Wager and Micah Sterling; Sixth do., George Huntington; Seventh do., John Beardsley; Eighth do., Chauncey J. Fox.

All of these were elected on the regular democratic ticket, except Mr. Fox, of the eighth district, who was a whig. Mr. Fox was elected by a majority which did not much exceed 160.

The Legislature met on the 5th of January, 1836. Both branches were strongly democratic. Hon. John Tracy, Lieutenant Governor, made an able presiding officer in the senate. Hon. Charles Humphrey, was re-elected speaker of the House and presided with dignity. By the proceedings of a caucus of the democratic members of the House, held for the purpose of nominating officers for the session, I perceive General Lockwood, of Westchester, presided, and Mr. Barker of Erie, and Mr. Wetmore, of New York, were Secretaries. One hundred and five members were pre-

sent and answered to their names. Governor Marcy's annual message was communicated to both houses on the 5th. The Albany *Argus*, of the 5th, speaking of it, says: "The topics of more direct interest and importance—the increase of the banking capital of the state, internal improvements, relief to the city of New York under the recent calamitous fire, and the movements and designs of the Abolitionists, particularly the latter,—are treated with great fullness, and with a frankness and directness of manner, becoming the occasion and the subject, and worthy of the character of a chief magistrate who has devoted all his energies, during an able and prosperous administration of the government, to the promotion of the welfare of the people."

The governor communicated on the 6th, a special message to both houses on the subject of the Great Fire in New York city in December, 1835, by which immense loss of property was sustained and great suffering brought upon thousands. The citizens of New York had previously appointed Messrs. Philip Hone, Daniel Jackson, James

B. Murray, and Charles Augustus Davis, a committee to wait upon His Excellency and endeavor to obtain legislative relief for the city.

The Message and accompanying documents were referred to a joint committee as follows:—Messrs. Van Schaick, L. Beardsley and Wager of the senate, and Messrs. Wetmore, Dayan, M. H. Sibley, Luther Bradish and G. P. Barker of the assembly.

Among the standing committees of the session, Mr. Barker's name appears as follows:

On ways and means.—Messrs. Dayan, Morgan, G. P. Barker, D. L. Seymour, Carroll.

On Colleges, Academies and Common Schools.—Messrs. Wetmore, Duane, G. P. Barker, Yates and Bradish.

He was also a member of the joint select committee on so much of the Governor's message, as related to the constitutional rights and safety of the States in relation to domestic slavery. It consisted of Messrs. Mack, Wager and Willes of the senate, and Messrs. Judd, G. P. Barker, Duane,

Cowdrey and Tomlinson, of the assembly.

Before alluding at length to Mr. Barker's legislative career, I shall briefly describe some of the more prominent members, and certainly, it comprised much more than ordinary ability.

In the senate there were several democratic members of decided ability, although since the withdrawal of Mr. N. P. TALLMADGE, elected to the United States senate, there was no one to whom the character of the leader of the party in that body was generally accorded. Among them I may name Mr. Young of Saratoga, and Mr. Beardsley of Otsego.

Of Mr. YOUNG it is scarcely necessary to speak, for having filled for many years important public stations he is well known as a man of genius and extensive attainments.

Mr. BEARDSLEY was a shrewd and skilfull legislator, who, without pretensions to eloquence exercised a prominent influence on all important subjects to which his attention was directed.

Several other members of the senate on the democratic side might also be referred

to in this connection, if my limits would justify the introduction of all who possessed considerable ability and distinction.

There were but four opposition members in the senate and they were all from the eighth district.

ALBERT H. TRACY, of Buffalo, stood confessedly in the front rank in the senate. Mr. Tracy, is a proud example of the success, which in this country rewards well directed effort and honorable ambition. He is truly the architect of his own fortune. As long ago as 1818, he represented in Congress, the district which then comprised the counties of Allegany, Cattaraugus, Chautauque, Ontario, Genesee and Niagara. Since then, however, Erie, Orleans, Monroe, Seneca, Wyoming and Yates have been formed from it, and several new districts created. He was but twenty five years of age at the time of his election, but so great was his industry and application to the practical duties of legislation, that he was elected three successive terms. In 1829, he was first elected to the senate of this state and at once took a high position. His ex-

perience in parliamentary usages ; his great industry ; his clear mind ; his sound judgment and prepossessing manners, won for him a senatorial reputation which must be enduring. He was re-elected in 1833, as an anti-mason, and during his whole term fully sustained his reputation. Mr. Tracy, by his powers of comprehension ; his acuteness ; his high character and capacity for business is indisputably qualified for a much higher position than he has yet filled. He possesses a highly cultivated mind, and his style as a speaker and writer, is forcible and elegant.

Mr. Fox, was an industrious member, and is a man of fine talents.

On the democratic side, in the House, PRESTON KING, of St. Lawrence, first claims my attention. He was an industrious and valuable member, and displayed during the session of '36, that skill and tact for which he has since become so widely distinguished. Though not an orator, he is still a ready and forcible debater. His congressional career has placed him in a high rank as a politician, and he is known throughout the

Union as the able defender of the Wilmot Proviso.

HORACE GAY, of Monroe, was a useful member. He is a gentlemen of integrity, very fair legal attainments and possesses literary acquirements of no common order. He was a warm personal friend of Mr. Barker, and now speaks feelingly of their intimacy. He still resides in the city of Rochester.

JOHN CHAMBERLAIN, of Orleans, was elected in a county opposed to him in politics, owing to his personal popularity. He did not speak often, but when he did, it was with great effect. In his personal appearance, he was a unique character. Negligent in dress; his every joint moved with a loose and irregular motion; his frame was stooping, and he had about him an air of abstraction that marked him for an original. At times, however, he would raise his bent form to an erect attitude, and become the accomplished orator. His voice was clear and musical, and his manner brilliant and impassioned. Great as was his mind, it had important defects. He was sometimes

haunted with fits of misanthropy and melancholy. He was prostrated by disease for a number of years, and finally emigrated to an obscure portion of Illinois, where his talents, which might have been the admiration of his fellow citizens, remain unknown and unappreciated.

FRANCIS B. CUTTING and PROSPER M. WETMORE, of New York and Mr. DAYAN, of Lewis, were active and valuable members and are deserving of a more extended notice than my limits will permit.

Prominent among the opposition members of the House, was LUTHER BRADISH, then of Franklin county, and now of New York city. Dignified and courteous in debate, possessing excellent judgment, and an enviable reputation for integrity, he has ever ranked high in the estimation of his political friends and enjoys in a great degree the respect of his opponents.

MARK H. SIBLEY, of Ontario, is a ready and accomplished debater and first rate lawyer. He was elected to congress in '36, and was a member of the senate of this state in '39. He has displayed ability in

all these positions and was an active member during the session.

GEORGE W. PATTERSON, of Chautauque, (now lieutenant governor of the state,) is a man of intelligence and an able legislator. He was first elected to the assembly in 1832. He represented Livingston in '36, and was an active and very useful member. He was also speaker of the house during the session of '39. Mr. Patterson's career thus far has been honorable to himself and creditable to his political friends.

RICHARD P. MARVIN, of Chautauque, is well known to our citizens as one of the supreme court justices of the eighth judicial district. He was a member of the constitutional convention in 1846, and, as a member of congress, creditably sustained himself. He is a man of good talents, and possesses uncommon industry.

These gentlemen are by no means all on the opposition side who were members during the session, nor are they all who are deserving a notice. It would not be consistent, however, with my limits to extend this portion of the work.

It was among such men as I have feebly attempted to sketch, that Mr. Barker acquired his legislative reputation. But his fine oratorical powers; excellent discretion; agreeable manners, and integrity of purpose, at once enabled him not only successfully to compete with them, but also to take and maintain a prominent position. I am sustained by incontestible evidence, in pronouncing him one of the very first members of the House in 1836.* The first remarks he made in the House of which any record are to be found, were made in committee of the whole, on Saturday, January 16th, on the "Bill for the Relief of the city of New York." The question pending was on the substitute proposed by Mr. Bradish for the 3d section. I copy from the *Argus* :

He said, "that although a member of the select committee which reported this

* In obtaining the materials for this portion of his life, I am much indebted to the courtesies of the Librarian of the Young Men's Association, of Buffalo, in furnishing me with the files of the Albany *Argus*, Buffalo *Republican*, and other papers and documents; and to several gentlemen who were members during the session.

bill, he thought it fair to state, and he wished to advertise that committee that he had no particular parental feeling for it ; but although he feared that the main object of it might be lost sight of in attempting to perfect it—he for one, after some reflection, had concluded to support this section. If he had erred in that conclusion, on him rested the responsibility ; nor had he any wish—he could have none—to influence the least action of the house, unless dictated by the intelligence and purity which ought always to guide their deliberations. He had no part to play in the matter ; no point to gain, except simply to discharge his duty as a member of the select committee which reported the bill. With respect to the amendments he proposed, he had only to say that he was not tenacious of the details of the bill, provided the house did not undertake to play Hamlet with Hamlet out. If the main object of the bill—the relief of the city of New York, and indirectly the relief of the whole state—were preserved, then his object would have been accomplished.

“ His friend from St. Lawrence (Mr. King,) ”

proposed to strike out this 3d section. He knew that gentleman too well to distrust his motives. He had known him too long to treat with disrespect any suggestion of his. But in this instance, it had been already shown, that his proposition went to destroy the vital principle of the bill, and that the alternative which he suggested would not meet the emergency. As to the objection of the gentleman from New York, (Mr. Cowdrey) that we were giving more, as he believed, than the case required, he appealed to the delegation from that city to say whether they knew or could know the extent of the wants of the metropolis, under this calamity? The records of the past furnished no precedent to guide us in the estimate; but all knew that it required more to raise than to sustain; that as the Speaker had well said, this credit, was a matter of faith, and that if we acted at all we must act in that bold and decided manner which could alone set this matter entirely at rest. And did gentlemen think to avoid responsibility there? Let such remember that there was a sin of omission as

great and more unpardonable than the sin of commission. If the house hesitated at this measure of relief he begged leave to remind them that it would be quite as censurable and more unpardonable than if from the best feelings of the heart they should go too far.

"He asked those who presumed to estimate—for no one would presume to measure, the extent of the calamity which had befallen the city of New York—how they could judge of the wants of that city in all their aspects and varieties, except from the representations before the house? Those representations came from a body of citizens, to whose intelligence and high character he desired there to bear his testimony, and whose conduct evinced throughout all their intercourse with the committee of the house, a scrupulous desire to ask nothing which the occasion did not absolutely demand. With respect to the amount of relief, the house had no guide but that furnished by the committee of citizens, and the only alternative presented was to act, if we acted at all, with the magnanimity and

liberality which the occasion seemed to call at the hands of the legislature. And at all events, so to act that we might not hereafter be reproached with having been guided by a contracted spirit.

"As to the preference expressed for a permanent increase of banking capital, although not opposed to that course on the principle advanced by one of the gentlemen from N. Y. (Mr. Cutting) although he came there with no religious, moral or legal scruples against banks, more than anything else; yet he had not that ethical lens which some gentlemen seemed to have, which enabled them to discuss the difference in point of principle between a permanent and temporary increase of banking capital, and by which others affected to discover their right as legislators to disregard the real wants of one section of the state. He could vote as freely and cheerfully for a bank, provided the public interest did not conflict with it, as he would vote for the erection of a bridge.

"He was aware that perhaps something had been said in the course of this discus-

sion, which might be thought extraneous, considering the subject in debate; but he trusted he might be indulged—and after the able remarks of the Speaker he did not feel justified in detaining the house much longer, with a few remarks with reference to the matters to which their attention had been called. He asked the gentleman from New York, (Mr. Cutting) and in a spirit of kindness, where he founded his opposition to banks in cases where banks were required? Was it because the system adopted by this state had anything peculiar in its features to excite distrust? Had not that system withstood the attacks of its enemies and the more dangerous sort of support—the faint praise of its friends? And what would be the effect of a contracted, artificial, unnatural repugnance to an extension of the banking capital of New York, whilst foreign states were holding out more fruitful fields of speculation, and when men of capital were already driven by the paucity of banking facilities in their own state, to seek investments elsewhere?—The effect must be in the end, to render us dependent on

foreign banks, and to drive from this state a vast amount of capital, actually required here, and to place it where it would be exempt from taxation.

“One word in reply to the gentleman from Ulster, (Mr. Romeyn,) for whom he entertained certainly no feeling of unkindness or disrespect. He felt constrained to ask that gentleman, whether, in his denunciations of all appeals to the passions and feelings of members, he had not himself made a direct appeal to the passions and jealousies of that house, when he travelled out of his way to warn the committee that after New York had obtained the facilities contemplated by this bill, the New York delegation might turn round upon the country and say that enough had been already granted and that they would grant no more. For himself, he had only to say to that gentleman, and to the New York delegation, that although the humble portion of the state which he in part represented had as anxious an eye to the action of that legislature as any other section, and that although there are all that he had or hoped

to have was centered—yet that even could he know that the New York delegation would oppose every application from his constituents—still he begged leave to tell them that they had nothing to fear from him, and for that reason, and that he should discharge his duty regardless of the consequences. He appealed to the gentleman from Ulster to say whether when he took his oath before that table to do his duty as a legislator, he swore that he would do it, provided the New York delegation did their's also? If the representatives from New York should oppose every object in which he might be interested, he could find no relief in that circumstance, from the obligation resting on him to do his duty, not merely as a representative of a single section, but of the whole state. His constituents did not send him there to play a game of rush for legislative favors, at the expense of New York and the integrity of the house; believing that the legislature would give them all that their situation required without a resort to such means. If he were to assume to serve them by pitting

himself against a particular section of the state, supposed to be unfriendly to his projects, his constituents would be misrepresented there. He could not enter upon such a course.

“The gentleman from Ulster as he said, had brought to this question the experience of forty and three years, and a mind disciplined by professional studies. He (Mr. B.) left it to the house to say, judging from the gentleman’s matter, (for he would not speak of his manner) whether in the period of these forty and three years, the fire and ardor of his youth were quite extinguished. For no man he presumed on that floor would have imagined, but for the gentleman’s explanation of his remarks, that when he tinkered the heavens into brass and the earth into iron, he intended to allude to the western deluge. If it would relieve the gent’s illustration in the least, he would tell him that on the spot they did not think it much of a shower after all. Nor need he be alarmed for the west on that score, for it could not well be supposed that the question now before the house, or any other act

of legislation, could affect the season alluded to, especially as that season had passed. When that case should come up, with a view to relief, then perhaps the figures of the gentleman might be in good taste; but here they could hardly be considered applicable. He agreed with the Speaker that the effect of this bill was not confined to the city of New York. He did not ask the representatives of that city to concede anything in return. He stood there as the representative of his immediate constituents, it was true, and he considered it fortunate for them that they believed their interests as well as those of the state, to be identified too intimately with the prosperity of New York. to be induced to go into the suicidal policy of cutting off the body to retain the limbs. As the gentleman from Ulster was at home on classic ground; he begged leave to call to his recollection, in illustration of his course on this bill, the old Roman story, where the limbs entered into a conspiracy that they would no longer support the sluggish belly, and to ask him whether his attempts to excite a country feeling against

the city, would not if he found a response there, prove equally absurd and destructive to the interests of the whole? But he would not detain the committee longer at that late hour; nor did he believe it to be necessary were it in his power to say anything in aid of the appeals which had already been made to the house. But he would ask members from every section of the state to bury under a common regard for the common good, all sectional or personal feelings, and to come forward and discharge their duty independently, and under the responsibilities which they owed to themselves, their constituents and the whole state." The *Argus*, of the 6th February, says: "The material New York relief bill, was finally passed yesterday and has become a law. The Assembly concurred in the amendments of the Senate chiefly (striking out the second section) by a vote of 101 to 5. The bill among other provisions, authorises the banks in the city of New York to loan for two years a sum equal to one-half of their capitals respectively, and to discount upon it as capital to the amount of

once and a half of the sum borrowed."

In order to explain somewhat the remarks of Mr. Barker, on the bill to "expedite the construction of a railroad from New York to Lake Erie," I have copied as follows, from the second volume of Mr. HAMMOND's political history: "On the subject of internal improvements Gov. MARCY stated in his annual message that the general fund was entirely exhausted; that the Chenango Canal would cost, instead of one million, as had been represented, about two millions of dollars, and that the enlargement of the Erie canal would cost at least twelve millions of dollars, and that he protested against pledging the state for any further works of internal improvement, unless the legislature would provide some specific means for the payment of the interest of the money which would be required to be borrowed. In the face of these facts, and this solemn warning, the legislature passed laws during this session for loaning to the New York and Erie railroad company \$3,000,000, and for constructing the Black River and Genesee Valley canals. To these

measures the majority in the legislature were goaded on by the whig newspapers and politicians, who charged them with being governed by narrow views and a secret hostility to all internal improvements. Against the assumption of these tremendous liabilities, Col. Young, Mr. D. Spraker and a few other senators raised their voices, and some feeble efforts were made in the assembly to arrest the progress of these measures, but their exertions were wholly ineffectual."

(Mr. Barker's remarks in the Assembly on the 20th of February, on an appeal from the decision of the chair, on the final passage of the bill to expedite the construction of a rail road from New York to Lake Erie.)

He said, "he felt called upon to explain a remark of his in favor of laying this question on the table, and especially as it had been said that this subject had been long before the house, and that every gentleman should have been long prepared to act upon it. If he had erred in not having brought to this subject the examination which was due to it, the responsibility he was aware

rested on him.—But if he had erred, it was from misrepresentation as to the proper course to be adopted to bring the question before the house. He had supposed that the proper course was to refer it to the standing committee appointed with reference to their qualifications to examine these questions and he had expected to have been guided by the light which that committee would throw upon the subject. He assured the gentleman that he had no earthly object in calling for an examination, but to come to an honest conclusion; and although others might be fully satisfied in their own minds on the subject, he could only say that they were more fortunate than he. But opinions were sometimes founded on a partial as well as a thorough examination of a subject, and long continued reflection sometimes led to doubts where none were entertained before. He knew not what examination those who spoke with so much confidence, had brought to this subject, nor was it to be supposed that acting as they did there under a heavy responsibility, they had expressed a mere off-hand

opinion. He could only say to such that he acted on his own responsibility there ; and although as the gentleman from Ulster (Mr. Romeyn) had said, a precedent of this kind might lose us the \$800,000 loan to the Hudson and Delaware canal company, for one, he had rather lose eight hundred millions than to commit an error, on a grave constitutional question like this. Such arguments had no influence on him. He was to act in this case on the lights of his own judgment, and independently of the views however confidently expressed, of others. What then was the point ? It was true as stated by the gentleman from Oswego (though he stated the proposition in a sense perhaps too much restricted) that a corporation was a creature of the statute—that it had no powers except such as it derived from the statute. It might be said to live and move and have its being by statute. But he had understood that a corporation had all the powers necessary to a full enjoyment of the authority granted. Now his difficulty as to the power of corporation to a mortgage was this. It was not the design

of the legislature or of the corporation, that it should mortgage or convey its real estate. The corporation was to make the road and its powers to raise money for that purpose were prescribed by its charter. It was to be built by the stock subscribed. It never entered into the heart or minds, he trusted, of this corporation that they were to apply for a loan on giving a mortgage. The charter contemplated no such thing. Now here it was proposed that they should loan money and give a mortgage, when the original act of incorporation did not contemplate that the road should be built in that way. However confident others might be on this subject he appealed to every professional man whose attention had been drawn to this subject to say, whether there was any one subject of judicial investigation, where there was less harmony of decision—perhaps he should say where decisions of courts in this country and in Europe were more at war—than on this subject. There was no analogy between the corporations themselves, and no arguments could be drawn from the one which could be ap-

plicable here. Nor was it to his mind a perfect answer to the position taken here, to say that the bill merely granted the power to borrow—that it contemplated nothing conventional—that the lien was created by the operation of the law. He asked the gentleman who urged this argument, to point out the distinction (for it was too subtle for him) between giving the power to execute and sign a bond and mortgage, and creating a conditional lien by the act itself. Were not the powers of the corporation in effect extended just as much in one case as in the other? If not he had not fully appreciated the argument. As to this being a public act, because the school fund was to be increased by it, he did not think the argument of that conclusive kind that it had been claimed to be ; for it was to be supposed that every act of incorporation was intended to benefit indirectly the whole state. Still he would not be understood to speak with confidence on the question before the house. He had no right to be confident, and he was not ashamed to own that without more reflection, he could not

feel entirely free from doubt. It might well be that the friends of the bill felt entirely clear upon this subject, but he asked whether in a case involving so much doubt, and when it was expected as it was here, that the question would go to the appropriate committee, it was extraordinary that many should be unprepared to vote. For himself he was sure that the question was not pressed upon the house with a view to embarrass the bill. If he knew himself, he was willing that the bill should pass, if it could pass constitutionally, and he should in that case, say amen to it as heartily as any man on that floor. All he wished was to give an honest and intelligent vote on the question."

CHAPTER IV.

Connected with the legislation of 1836, it may be well here to note, that opposition to banking or other monopolies was not then as since, to some extent it has been made, an article in the creed of the democratic party in this state. On the contrary, after the adoption by the legislature of the safety fund system, under the recommendation of Mr. Van Buren, during the short time he was Governor, the protection and extension of that system was regarded generally as an important duty of the democratic party, and the multiplication of bank charters occupied a large portion of the time of the legislature, and the distribution of the stock under those charters was regarded as a legitimate means of extending party influence and of rewarding party services. Most of the prominent members of the party, availed themselves of their posi-

tion of influence, to secure directly or indirectly a share of the spoils, either in the shape of bank stock or bank offices, and this practice had extended so far, that it is believed, that of the prominent members of the party at this time, either in the legislature or out of it, very few could be named who were not largely interested in banks. Even Col. Young, whose general integrity could not be doubted, and whose zeal against chartered monopolies has since been conspicuous, at this time had a large portion of his fortune invested in the stock of the safety fund banks. Of course the organs of the party were ready to denounce as incendiary and disorganizing the movements now beginning to be made by a portion of the democratic party in the city of New York against a then very apparent bank influence. This section of the party, then opprobiously denominated *loco foco*, small as it was, numerically, embraced, however, several men of distinguished ability and courage and sustained by the powerful pen of the late Wm. Leggett, succeeded in making itself heard and felt in the legisla-

tive hall at this session. It was the opposition of this party to the further extension of banks that Mr. Barker had to encounter in the prosecution of his favorite measure, and in his speech, extracts from which now follow, if all his positions do not accord with what afterwards came to be recognized as sound democratic principles, it must be borne in mind that they were the prevailing doctrines of the democratic party of that day.

In Assembly, Tuesday, April 19, Mr. Barker, after some remarks in opposition to the bill to repeal parts of the restraining act—directed not against the measure itself, except so far as it was urged as a substitute for, or as an antagonist to the safety fund system—went on to say:—[Argus.]

“There is still another point on which I wish to say a few words by way of appeal to western members. And on that head let me not be misunderstood. I don’t appeal to them because I suppose they have any interests distinct from the general interests. I appeal to them because they know and feel our identity of interest, and be-

cause they can appreciate what I have to say. And now I ask every western member satisfied as I know every western man must be of the wants and demands of the people of the west in reference to banking capital, whether he feels justified in attempting to evade these demands, under the plea that to gratify them would be but to minister to the interests of a few individuals? Let me ask whether the sailor on our lakes don't know the difference between \$15 and \$18 a month—whether the farmer does not know the difference between six and seven shillings a bushel for his wheat—whether the laborer does not know the difference between four and six shillings a day? This is a matter which the people distinctly understand, and the man who believes that the cry for more banks emanates from the aristocracy, or from any other source than the back-bone of that section of the state is mistaken.

“He knows not western New York, and however honest men may be in supposing that the great body of the people are crying out against banks, they forget the wide dis-

tinction which exists between the feeling of indignation everywhere raised against an institution that was at war with our own, and to ward off whose attacks the strong arm of state power was put in requisition—and the safety fund banks of this state. They mistake the intelligence of the people, when they undertake to identify the one with the other. They know better and I will say that the man who strikes a blow at the safety fund system of this state, touches the democracy of this state where they feel most. Yes sir, were I called on now (as I have been) to say what that man had done, who originated that system, the best answer I could make would be to tell the inquirer to open his pocket book and see whether he had a safety fund note in it. You mistake if you suppose that this is not a favourite system, and the man who has taken up a different impression, has derived his opinions from the mob, and not from the people. And will gentlemen prefer to take for their guide on this subject, the opinions of those who are here to-day and there to-morrow, or the views of those on whose

intelligence are suspended the destinies of our country?

“ The man who raises his hand against the safety fund system, permit me to say, does it on a responsibility that I do not envy. I will say further that even if the father of that system, could we suppose a thing so unnatural, (which I cannot) or he who sustained by what is called the six million mortgage, should attempt to crush it, his arm would perish in the effort. The people of this state cannot be trifled with. No man can lend his countenance to a system until the people have experienced its benefits, and then withdraw it at his pleasure, and at the same time recline on the reputation of having created it. I believe I speak the feelings of the democracy, and I may include also men of all parties, when I say that the people will never submit to that policy. And on this point, I say no more than I intend, I mean to be so distinctly understood.

“ I regret that owing to indisposition, I cannot now pursue this subject as far as I intended ; but probably during the course

of this discussion, I shall have another opportunity, to extend my views. But I do say here—and I address myself again to western men—that however we may differ in political sentiments, there is an interest paramount to that—and that is the duty we owe to Western New York ;—a duty growing out of the state of the currency, and the wants of the business community in that section—to which everything else must bow. Such as choose to sacrifice the interests of the west, either to views of policy or expediency, must take the responsibility upon themselves. I wash my hands of it, here and before my constituents. And I will say for one, (and I hope the majority will sustain me,) that I never will vote for an adjournment of this house (until another body better able to express the feelings of my constituents shall take our places)—until banking facilities are extended to the west, or every bank charter in the state is repealed, I mean all that too Mr. Chairman.

In Assembly, Wednesday, April 20, P. M.—The committee of the whole Mr. R. L. Smith in the chair had risen and reported

on Mr. Yates' bill, (in addition to Mr. Cutting's) and refused to rise and report on the latter. The question was on Mr. Wilkison's motion to strike out the enacting clause, and Mr. Barker and Mr. Marvin had spoken in opposition to the motion.

Mr. Barker addressed the committee as follows :—" Mr. Chairman—as I have once had the floor on this subject, I will not detain the committee with any remarks, except such as seem to be called for as a matter of justice to myself, and in reply to arguments addressed to me personally. The arguments urged in relation to the subject generally, I leave for the present, at least to other members of the committee to answer, confining myself entirely to certain allusions which have been thrown out in the course of this debate, connected with me and my course in relation to this bill, to which I feel called upon to reply. And in doing this, I would premise by saying to the gentleman from New York (Mr. Cutting) that the sentiments of kindness which he has expressed towards me personally, find in my heart a perfect reciprocity of feeling;

but that at the same time while I stand up here for my constituents he, as he conceives, acts for his own, and that our course in reference to this bill is, in consequence, fated to be different. I vote as I believe the interests of my constituents demand at my hands, and I am not at liberty to compromise them for any feeling of friendship which I may entertain for any individual. Still, I will say to the gentleman, that were I to be governed in this matter, only by personal predilections, which are my own property and at my own disposal, and that were it possible for me to be seduced by a man, under the circumstances in which I am placed I would, without hesitation, choose him as the seducer.

As to the remarks I have made in justification of my course as regards this bill, they are before the committee. They are satisfactory to my own mind, and that matter I must justify before my constituents. I propose now, therefore, to confine myself as I promised to the allusions made by the gentleman from New York (Mr. Cutting) to myself, and to the arguments adduced by

him in reply to what fell from from me yesterday ; I appeal to the gentleman himself to say whether he treated my remarks with perfect fairness when he said the only argument I had urged was in favor of the Buffalo Bank ? The course of my argument (if that can be called argument, which was designed to justify my own mind) was to charge and prove upon the gentleman from New York, in the introduction of his bill, hostility to the increase all banking facilities. I also said and attempted to prove that those who advocated this measure and who would impose this injunction, were at war with our banking system—that this compound monopoly which he and they would introduce, would never be submitted to by the people of this state—and I asked the gentleman whether he could furnish a single argument against the increase of banking capital, which did not go to the system itself. That question the gentleman has not yet answered.

“ The gentleman saw fit in the course of his remarks to say in reference to the with-

drawal of the U. S. branch bank, that he had understood that in 1824, a bank of \$400,000 capital was granted to Buffalo, having in view the withdrawal of that very branch bank. Now, I ask the gentleman from New York, (Mr. Cutting) the gentleman who called for argument but gave none—(whether from his need of it, or otherwise is not for me to say,) conceding the fact that \$400,000 was granted to Buffalo, in 1824, by way of banking facilities, because the branch bank was to be withdrawn, whether that act gave any more than \$400,000 to Buffalo? No matter what the inducements were for the increase of banking facilities in Buffalo, did it make more than \$400,000? Did it do more than supply the vacuum occasioned by the withdrawal, and did it necessarily dispense with any further extension of banking facilities to that city for all time to come? On this point also I shall await a reply from the gentleman from New York.

The gentleman also remarked, in reference to the uncurrent money afloat in Buffalo, that it was a very easy matter to re-

duce that circulation to specie. Now, I can say that however applicable the remark may be to the city of New York, it evinces that the gentleman's knowledge of the business of western New York is extremely limited. The business men of Buffalo are compelled to go into other states, and almost on their knees, beg of foreign institutions the use of their paper, on condition that they keep it in circulation. Yes, sir, to foreign corporations they are compelled to bow. And why? Because the wisdom of their own legislature refuses to minister to their necessities. Why, sir, the business man who should undertake to buy up this paper, for the purpose of returning it to its source, would find himself among business men, an outlaw—a traitor to the interests of his brethren in commercial transactions.

“ And here I must treat the gentleman as a lawyer. I said his argument was adverse to the increase of banking facilities. I plead to his decleration. If I traversed or departed in my plea, as a lawyer he should have demurred. But he saw fit to reply, and on fair legal principles, his argument

is confessed to have been adverse to the increase of banking facilities. The gentleman also asked—at the same time saying that he was not opposed to the banking system—that his bill was not adverse to it—why it was that Buffalo and other portions of the state, were now writhing under this policy? Still that was no attack on the system? Sir, it was not the fault of the system itself, but the evil the gentleman alludes to is the result of the want of the extension of the system to meet the constantly increasing demand for banking facilities. As well might you say that because a barrel of pork thrown in among a hungry multitude would be productive of serious consequences, from the inadequacy of the supply—that therefore the pork itself is good for nothing. The difficulty is that the system has not been extended sufficiently at the west; and because it has not been extended to such a degree as to meet the absolute necessities of that section, is that any evidence that the system itself is a bad one? I for one cannot see how the conclusion follows.

“ There is another portion of the gentleman’s remarks which I intended to reply to immediately. The gentleman said, in answer to my appeal to the house on behalf of the west that he had shown himself a greater friend to the west than myself. He points to his vote for the Rochester and Olean canal. He points, not to his vote, but to his generosity towards the southern rail road company. Let us examine this subject. And first I have to say to the gentleman, that notwithstanding all the feelings of partiality I may have for those deeply interested in the Olean canal, and although I do not suppose that my efforts would have altered the determination of the house, in reference to that work, (and with the result I am content,) yet had I been able to have taken the floor at the time, I should have brought all the capacity which God has given me to bear in opposition to that bill, and let the responsibility of that course and of this avowal rest on me and upon us in the west. But look at the generosity of the gentleman in reference to that bill. The common council of his own city instructed

him to vote for it. The resolutions of that body were spread upon our tables, pointing out the advantages which would result to the city of New York, from the construction of the work; and it was even proclaimed on this floor, that when that canal shall have been completed, Buffalo would no longer be the "Queen of the West!" And yet the gentleman supposes that I was recreant to the west, when I gave my vote against that bill, and speaks of it as a merit that he has obeyed the instructions of his common council!

"As to the southern railroad, my course is also before the house, and before my constituents; and with them I am content to let it rest. With respect to the gentleman's own course, I should have never inquired into it, had it not been put forward here, as constituting a peculiar claim upon western feeling, on the part of the gentleman from New York. Having been thus paraded here, I may be permitted to remark that if it be true, (as I have no reason to doubt it is) that he has paid \$10,000 for stock in that railroad, it is equally true that that

very railroad was eloquently advocated by a brother colleague of his on this floor, as a measure calculated to bring the whole western trade, without fear of competition, to the city of New York. Did the gentleman (let me ask) look beyond New York for a motive to that subscription? That is all I have to say on that head; for I will not say that the gentleman has a large fortune invested there in real estate. To suppose that consideration had any influence, would be to impute selfishness to the gentleman and that I can never impute to him.

“There is another part of the gentleman’s (Mr. Cutting’s) argument, if it may be called argument, that I regret to refer to; and let it be understood that if I talk with plainness, it is not because anything I have said has left a sting here. I shall treat this as a matter between friend and friend, who stand, in their official capacities upon an equal footing on this floor. The remark of mine to which the gentleman alluded, the committee will recollect, I prefaced with another, that I was about to say no more than I meant, and I now add that

I meant no more than I said. I make that amendment to it. What was the remark I made that called out from the prime minister (as he would appear to be) of the administration, the sentence of excommunication? I said in relation to the safety fund system, that it had come to be a favorite with the democracy of this state. That although it owed its origin to the favorite son of this state, it had not commended itself to their regard on that account alone, but that it had been tested by experience, and triumphantly tested. And I said that should that man (and I say so still) deep as may be the channels he has worn to the affections of the people of this state—should that man I repeat, array himself against the democracy, as to a course of policy which they have at heart (and of this they will judge)—and I say still, though without any apprehensions that matters will ever come to that pass—that the democracy will say to that man “thy glory has departed.” I take back nothing on that subject.

“Sir, (said Mr. B.) let us see whether

there be anything in this, that would bring me under the ban of the gentleman from New York, (Mr. Cutting.) Let me ask that gentleman, if even that man, who has been well said to have filled “the measure of his country’s glory” if that same arm which was stretched out at New Orleans in defense of his country, should now be raised against that country—if that same voice which was once heard against a powerful monopoly, then preying on the vital interests of the country, should now be heard in its support—let me ask the gentleman what would be the verdict of the people of this state and of the Union? All I meant to say (and I repeat it) was, that that man who supposes that he can array himself against the intelligence of the democracy of this state or of the Union calculates too much on his strength. I said, and I say it again, that I acknowledge no power here, that is paramount to the will of my constituents; and if the gentleman argues from this, that I am about to leave the party, and undertakes to say that I can leave the party—I have to reply, that until I leave the people,

Mr. Cutting: Does the gentleman attribute such remarks to me?

Mr. Barker: I understood the gentleman to say something like this—is it to be declared that because a bank can't be granted, I leave the party?

Mr. Cutting: My language was this—that because a bank can't be granted, I leave those I have heretofore supported?

Mr. Barker: I say if the people want capital—if the democracy demand it—the representative assumes upon himself too much who undertakes to resist it; for that voice is omnipotent and will always be heard. So far the gentleman understands me. But I say further, that if we could suppose anything so improbable as that such motives or designs could be charged upon either of the men I have alluded to, (which I utterly deny)—I do say as an abstract truth and I care not where it touches—that the man who arrays himself against the wishes of the great body of the people, will soon receive his verdict at their hands. Does the gentleman doubt it? Where now is he of Delaware, who once held the

democracy of this state, as it were in the hollow of his hand? By the betrayal and desertion of the principles of the democracy, even that man has forfeited their confidence and is forgotten. Where now is the promising young man, who once represented the democracy of the county of Orange? He too has received his verdict. And why? Because he arrayed himself against the wishes of the people and no man can stand against that power.

"The gentleman also remarked that we, (the applicants for banks,) were standing here like Swiss soldiers, asking pay for services. The proposition was not stated affirmatively, to be sure, but in the form of an interrogatory, and the remark was not less pointed for that reason. Now I cannot accord to the gentleman even the merit of originality in that remark. I have heard it before. It is like a story thrice told in Western New York. It is however, so far original with the gentleman, that I have always been accustomed to hear it from those holding different political principles from those the gentleman himself professes.

It is not a new song to me. But I have to say to the gentleman that I know not under what power of attorney he assumes to ask whether I am prepared by adhering to the wishes of my constituents, to prove recreant to my faith. I can say that I regard no warrant of attorney, unless it be given by the democracy of Erie, and I invite the gentleman if he wishes to read me out—or as the phrase is, to Vanduzer me—for the remark I made—to lay the venue in the county of Erie, and try the issue before my constituents. That is the only tribunal to which I submit.

I have a few words more to say to the gentleman from New York, and but a few. I ask him with what grace he calls me to account, as recreant to my faith, in advocating the extension of banking facilities? By how large a majority of those who claim to be democratic members of this house, is he sustained here. Who have stood shoulder to shoulder with him in his proposition to repeal the restraining act? I wish no answer. I mean no disrespect to those who differ with me in politics, nor should I have

introduced the topic on this floor; but it having been introduced I am free to speak of it. I wear no screen before my breast, every portal of it is open to the gentleman, and if he pleases he can enter. If I have erred, the gentleman shall not be put to the trouble of taking testimony on the subject. I will argue the question with him on bill and answer. If any expression I have used—if any doctrine I have advanced, be heterodox—I am easy of conviction—for I will furnish on short notice, and at any time, the evidence desired.

I say therefore in conclusion to the gentleman from New York, [and my object in rising now was merely to make myself understood on this point,] that with a full knowledge of all the responsibility of the declaration, I shall go home to my constituents as fearlessly as he will to his, and with the assurance that I have not disobeyed the instructions given by more than three-fourths of the committee which nominated me.

The Argus of May 26th, 1836, sums up the session as follows:—

“The legislature of this state adjourned

this day at 12 o'clock. The session has been one of longer duration, and more arduous than any which has ever preceded it. It extended to 143 days.

The number of acts passed is 536—a far greater number than has ever been passed at any previous session. Among the laws are comparatively few of a public nature. Of these the apportionment bill, under the new census, may be said to have excited as much interest, and to have produced as much discussion as any other.

Equal in interest and importance were the bills for internal improvement. Among these, are the Black River Canal, and feeders, and the Genesee Valley Canal, and the bill to expedite the construction of the New York and Erie Rail Road. The two former involves an estimated expenditure of about three millions of dollars, and the latter the loan of the credit of the state, in the progress and at the completion of the work to the same amount.

The local acts of incorporation for purposes of internal improvement, extended to no less than forty-two rail road companies, with an immense aggregate capital.

The question of the incorporation of banks was as usual an engrossing one. The legislative action on this subject resulted in grants for charters of twelve new banks, and an increase of the capitals of two existing banks: making an aggregate addition to the banking capital of the state five millions six hundred and seventy thousand.

The calamitous fire in the city of New York,—the cause of much legislation early in the session, produced also a species of incorporation heretofore but little known in this state. We allude to the mutual insurance companies. Of these there were 26 acts passed during the session.”

CHAPTER V.

Mr. Barker after the adjournment of the Legislature returned to Buffalo, and embarked with zeal once more in his professional business. In the fall of 1836, he was put in nomination for congress by the democratic party. He declined the nomination, however, for private reasons, but he sustained Mr. VAN BUREN and the democratic ticket with vigor. In 1837, when Mr. Van Buren's special message was promulgated, he was among the first to give in his cordial support to the statesmanlike views and the bold and vital measures advanced in that admirable document. Though many from whom better things were expected, receded at once from the party—men who had been cherished and made by its bounty;—he stood up amid the general defection which surrounded him, and fearlessly and warmly supported the doctrines so patriotically presented.

In April, 1837, Mr. Barker formed a partnership with SETH E. SILL and SETH C. HAWLEY, Esqs., under the firm of Barker, Hawley and Sill. This firm continued till November, 1839, when Mr. Hawley went out, and the firm went on as Barker and Sill, until Mr. Barker was elected attorney general in February, 1842. The business transacted by this firm was very great, as all of the gentlemen connected with it possessed distinguished legal attainments. All of the gentlemen who have at any time been connected with Mr. Barker as partners, speak in the highest terms of their deceased friend, and warmly commend his virtues and talent.

In September, 1838, he was chosen a delegate from the county of Erie to the democratic young men's convention at Utica. This convention was one of the most numerous, talented and enthusiastic bodies that had ever assembled in the state. Many there present had been distinguished for their talents and the public stations they had filled; and in comparison with whom Mr. B., was little known; the West however, whose ardent friend and vigilant supporter he had

always been, knew and appreciated his merit and abilities, and with one voice presented him as the one most worthy to perform the duties of presiding officer. He was accordingly chosen to preside over this noble representation of the junior democracy. Those who listened to that burst of true eloquence with which, on assuming the duties of the station, he electrified that vast assemblage ; and who witnessed the dignity and impartiality with which he presided, will look back upon the scene as one of the most gratifying of their lives. This convention dissolved, but each member carried away with him admiration for the abilities of its presiding officer, and regard for his personal qualities.

I shall now allude to the military career of Mr. Barker. By the records in the adjutant general's office, it appears that on the 31st January, 1838, orders were issued, organizing five companies of light infantry, under command of captain John J. Fay, George P. Barker, etc., and commissions were issued to the officers of the companies. They were organized into a regiment called

the 10th regiment of light infantry, and attached to the 8th brigade of artillery. On the 12th February, 1838, an election was held for field officers, and Mr. Barker was elected major. On the 28th of February, of the same year, general orders were issued changing the organization of the regiment to artillery, and commissions were issued to the field officers of the 37th regiment of artillery. On the 14th of August, 1838, he was elected lieutenant colonel of that regiment, and commissioned as such, September 11th. In June, 1839, he was elected brigadier general of the 8th brigade of artillery, in the place of general NELSON RANDALL, promoted. At this election, several officers superior in rank, were competitors, yet so great was his popularity, that he received a large majority of the votes cast. He made a splendid review officer. Indeed, his appearance on horseback was commanding and quite dashy. He continued to hold the office of brigadier general until his appointment as attorney general. It is perhaps proper here to state that Mr. Barker's connection with the military, was at-

tributable to the Canadian troubles of 1837, with the history of which my readers are doubtless generally familiar. The burning of the Steamer Caroline, and other acts, and the prospect of trouble with Great Britain, had created a feeling of distrust as to the sufficiency of the military force of the city to protect the lives and property of the inhabitants, and hence several new companies were organized as before related.

In the spring of 1840, Mr. Barker was nominated by the democracy of Buffalo for Mayor. It was the first election by the people of that officer, and perhaps increased interest was felt in consequence. He entered upon the canvass under many and great disadvantages;—the anti-masons and whigs had long maintained a majority in the city ranging from three to six hundred, the commercial, monied, and marine interests of the city have in almost all cases been with them; and this majority had, since the revulsion in the credit system been confirmed, and perhaps increased by the accession of many of those whose ruin has been its consequence. The tide of speculation which flowed into

the city with such rapidity and fullness, finally ebbed; and many, eager to lay the blame of their own folly any where but at their own door, grasped at the first specious cause which offered—that happened to be the democratic administration of the government; and upon this they laid the responsibility of their own acts, and made it the scape-goat for the sins of the people. Smarting under their losses, and actuated by the hope of bettering their condition by a change, this class regarded the administration as a public enemy, and its supporters as their personal foes; their political became their personal feelings; and the ordinary virulence and bitterness of political contests were much enhanced. Added to this, the opposition put in nomination their strongest man; one whose residence was coeval with the first settlement of the country—whose acquaintance and connections were extensive, and whose wealth and weight of character added strength to their already great numerical majority.

It was against such adverse influences that Mr. Barker, at the call of his demo-

cratic friends entered upon the contest.—It was, without doubt, the most severe one ever known at our charter elections. The friends of each candidate exerted themselves to the utmost. Every influence which could be used was brought to bear. Few general elections have ever been so warmly contested. The eyes of the city and indeed of western New York were centered upon the issue. He was defeated by *ten* votes as follows:—SHELDON THOMPSON, Esq., 1135; GEORGE P. BARKER, 1125. The array against Mr. Barker was too strong to be resisted. His private character was aspersed; his professional integrity impugned, and his very honesty questioned by the opposition. The vote he received, all things considered, was a very gratifying one. He ran at an unfortunate crisis. That train of events which placed General WILLIAM H. HARRISON, in the Presidential chair was in motion. Few men would have run as well under the circumstances.

As a matter of interest to Buffalonians I here insert the vote cast for the several candidates for the Mayoralty of our city since 1840:

Year.	Democratic.	Whig.	
1842.	George W. Clinton, 1486.	Isaac R. Harrington, 909	
1843.	Joseph G. Masten, 1657.	Walter Joy, 1197	
1844.	Oliver G. Steele, 1389.	Wm. Ketchum, 1602	
1845.	Joseph G. Masten, 1837.	Hiram Barton, 1538	
1846.	Isaac Sherman, 1693.	Solomon G. Haven, 2029	
1847.	Isaac Sherman, 2013.	E. G. Spaulding, 2192	
1848.	Israel T. Hatch, 1855.	Orlando Allen, 1970	

The election in 1841 was not contested on party grounds, though the democrats generally supported Mr. HARRINGTON who was elected in opposition to I. A. BLOSSOM, Esq.

In 1849, the democracy were divided and ran two candidates:—

Hiram Barton, - whig, 2341,
 Elijah Ford, - dem., 1466,
 Thompson Hersee, dem., 481.

In the fall of 1840, occurred the exciting contest between Mr. Van Buren and Gen. Harrison for the Presidency. Mr. Barker, it is needless to say, gave to Mr. Van Buren his hearty support. He addressed meetings of the democracy with more than his usual force and beauty, and strove in every way not incompatible with honor to arrest the tide which was evidently setting in against his party. The Syracuse democratic state

convention which nominated Presidential electors, presented the names of Samuel Young, and George P. Barker as candidates for electors at large. Two nobler standard bearers could hardly have been found in the democratic galaxy.

The election resulted in the prostration for a time of the democratic party, and the novel spectacle was presented of a whig state and national administration. The brief career of Gen. HARRISON as President is well known. Scarce a month had elapsed, ere the citizens of our national capital who had witnessed the splendid pageant of the inaugural cavalcade, beheld with sincere regret all that was mortal of him conveyed to his long home. Grief, deep and universal was felt throughout the Union. Orations, feeling and beautiful were pronounced in our principal cities and towns. Funeral obsequies imposing and solemn testified in a touching manner the national bereavement. History seldom presents so striking an instance of the mutability of earthly possessions. Called by a large majority of his countrymen to fill

the highest office known to our constitution, General Harrison was the center around which a great political party revolved. He was regarded with fond attachment by thousands and high and many were the expectations his election created. His greatest ambition was satisfied, for he sat in that chair which had been filled by a Washington, a Jefferson, a Jackson and a Van Buren. He was truly the "observed of all observers." Yet in one month after his assumption of the exalted duties of his station, he was laid in "dull, cold marble" amid a nation's tears.

The events which succeeded are matters of history. JOHN TYLER, brought down upon his administration the anathemas of the party that elected him and very essentially aided by his general conduct, the re-establishment in the state and nation of democratic principles.

Contrary to the general expectation, the November election in this state, in 1841, resulted in the complete and unexpected triumph of the democratic party. Calculating men on both sides may have anticipated

pated the election of a democratic majority of the members of the assembly, but the senate being a permanent body, and the whig majority in 1841 being quite large, few men before the election entertained the opinion that there would be a change of political power in that branch of the legislature so early as the year 1842.

Without enumerating the causes which contributed to this result, it is sufficient for my purpose to notice briefly the events which led to the nomination and election of Mr. Barker as attorney general of the state. Mr. HAMMOND, in his "Life and Times of SILAS WRIGHT," speaking of the assembly of 1842 says:—

"There was an unusual number of men of talents elected to the assembly at the annual election in 1841. From the city of New York, O'Sullivan and Townsend, and Messrs. McClay, Grout, Jones, McMurray, etc., added much to the strength of the representation from that city. Horatio Seymour, from Utica; John A. Dix, late secretary of state, now United States Senator from Albany; Samuel Stetson, from Clinton

county ; that learned and able lawyer, Geo. A. Simmons, from Essex; John W. Tamlin, from Jefferson; John A. Lott, from Kings; Levi S. Chatfield, from Otsego; George R. Davis, from Rensselaer; the benevolent friend of popular education and of man, Calvin T. Hulburt, from St. Lawrence; the active and energetic Halsey Rogers and John Cramer, from Saratoga; Ziba A. Leland, from Steuben; Charles Humphrey, former speaker, and now clerk of the Supreme Court, from Tompkins; and Michael Hoffman and Arphaxad Loomis, from the county of Herkimer, were all men of distinguished ability."

ISAAC R. ELWOOD, of Rochester, was elected clerk of the senate, and **LEVI S. CHATFIELD**, of Otsego, speaker of the assembly. Mr. ELWOOD, is a gentleman of high cultivation, and possesses extensive and varied literary attainments. Mr. CHATFIELD is a man of superior talents and has exhibited ability in all the stations of responsibility he has filled.

On the evening of the 4th of February, 1842, the democratic members of the legis-

lature met in caucus to make nominations of state officers. Mr. FLAGG was nominated almost by acclamation as comptroller, receiving 105 votes of the 107 members of the caucus; but the nomination of the other state officers was attended with more opposition and excited feeling. The principal competitors against Mr. Barker for the office of attorney general, were SAM'L BEARDSLEY and ROBERT H. MORRIS. Mr. BEARDSLEY had been the occupant of the office when the democratic party last retired from power, and his friends urged his nomination as an act of justice to him in as much as Mr. Flagg was nominated, who had also been one of the old officers. Besides, he had the influence of many leading politicians at Albany, and in other parts of the state. His friends were confident of success and did not treat Mr. Barker as a formidable candidate. Mr. MORRIS had powerful friends in the caucus who strenuously urged his nomination, on the ground of the abuse and obloquy which had been heaped upon him by Gov. SEWARD and the whig party for his participation in laying

before the public the Glentworth papers, which had produced at that time great interest throughout the state. During the excitement Mr. MORRIS found a deep feeling of sympathy in his favor in the democratic party, which resulted greatly to his benefit in the legislative caucus. He was supported by many men of great weight and influence in the party in various portions of the state. F. G. JEWETT, AMASA J. PARKER, H. L. HOGEBOOM and JOHN B. SKINNER were candidates who were supported by many prominent members of the party. GEORGE RATHBUN was also a candidate until the night of the caucus when he authorized his friends to withdraw his name.

It will be perceived that almost each democratic portion of the state had a candidate for the office which rendered Mr. Barker's nomination quite doubtful in the minds of his friends, and his opponents considered it out of the question, but were willing to own him to be their second choice. He was however supported by many from different localities of the state, for his eminent qualifications and boundless popularity. No

very prominent or influential men of the party originally advocated his nomination for they were committed to the candidates from their localities. SANFORD E. CHURCH, of Orleans county, had been elected to the legislature, the only democratic member from the eighth district.

Mr. Church was a warm personal and political friend of Mr. Barker, and at once entered into the contest with great enthusiasm tempered with caution and cool judgment. He was the youngest member of the legislature ; but the fact that he had been elected from a county which was politically opposed to him, and in the eighth district, where it was supposed no democrat could ever be elected to the legislature, counteracted the effect of his youthful appearance. His strong common sense and consummate tact were soon manifest to the sagacious politicians then at Albany, and materially assisted Mr. Barker's election to the office. When in the caucus it was moved to proceed to ballot for attorney general, Mr. Church rose and offered a resolution that the representation from each senate district

should cast the number of votes of the members of the legislature from the district. This resolution was offered not with a view to its passage, but to impress upon the caucus the claims of Western New York, and thereby Mr. Barker. Mr. Church addressed the caucus on his resolution with marked ability and earnestness. He depicted the struggles of the democracy in this portion of the state for a quarter of a century, with overwhelming majorities against them, and unable to have from year to year a single voice in a democratic legislative caucus, and deprived of all participation in the election of officers who receive their appointment from the legislature. He appealed to the magnanimity of the members of the caucus to do an act of justice to a meritorious class of fellow democrats. His appeal met a magnanimous respond. As soon as he had closed his remarks Mr. Rathbun went to his friends and requested them to vote for Mr. Barker, and many who were before doubtful at once avowed in favor of his support. It was at once apparent that the tact and management of Mr. Church had set the

current irresistibly in favor of the nomination of Mr. Barker, notwithstanding the great and prominent names and influences that were arrayed against him. No rejoinder could be made at such a time, by the friends of the opposing candidates, which could overcome the popularity of Mr. Barker, and as will be seen below at each balloting his strength was increasing until on the third ballot he received 68 votes being a majority. When his nomination was announced the audience in the galleries gave long and repeated cheers for many minutes, which exhibited the deep feeling which Mr. Barker's name carried among the masses. The nomination also was cordially approved by the friends of the various candidates, and the best feeling was exhibited on the result in every quarter. Mr. Church for his agency in the nomination received from Mr. Barker the title of the *Democratic Member from the eighth district*, by which designation he was known during the remainder of the session.

Ballotings for attorney general in caucus.

	1st Ballot.	2d Ballot.	3d Ballot.
George P. Barker,	26	37	68
Samuel Beardsley,	23	18	2
Robert H. Morris,	22	34	35
A. J. Parker,	10	8	1
H. L. Hogeboom,	6	5	
F. G. Jewett,	8	4	
John B. Skinner,	10	1	

The election for state officers was held on the 7th of February. AZARIAH C. FLAGG, was elected comptroller; SAMUEL YOUNG, secretary of state; GEORGE P. BARKER, attorney general; (Mr. Barker's vote in the senate was 17 and in the assembly 79 against Willis Hall, who received ten in the senate and twenty-six in the assembly.) THOMAS FARRINGTON, at the same time was elected state treasurer; NATHANIEL JONES, surveyor general, and HENRY STORMS, adjutant general.

Mr. Barker's appointment was received with enthusiasm by his numerous friends throughout the state, and especially welcome was it to western New York. It was regarded as a just tribute to his genius and as an

acknowledgment of his great exertions in behalf of democracy.

The following correspondence does honor to all concerned, and evinces clearly the high estimation in which Mr. Barker was held by the bar of Erie county :—

BUFFALO, Feb. 10th, 1842.

Dear Sir:—The members of the bar of this county, in common, as they believe, with all classes of their fellow citizens, have heard with emotions of pride and pleasure, that one of their number towards whom they have entertained high feelings of professional esteem and private regard, has been selected to fill the responsible and honorable office of attorney general of the state.

They ought not to disguise from you, however, (if indeed disguise were possible in such a case,) that there is mingled with gratification at this appointment something of regret. Regret, that the relations which have so long, and so happily subsisted between them and yourself, must now be, in a degree, though slight we trust, less intimate; that the friendship which has known

no political differences and in which official position can effect no change, should be separated by distance even; that the endearments of social intercourse, and the pride of professional association, cannot both continue to unite them to you. Regret, public duties should require you to leave, for a time, what they had hoped would always, remain their and your home.

We have been appointed a committee to communicate in behalf of the members of the bar, these sentiments, and to express, without distinction of party, their ardent desires for your success and happiness.

As heretofore, they felt a common interest in your just reputation, they will rejoice as it shall be more eminent, in more extended usefulness, and in a wider sphere. They wish you, with one accord, personal prosperity and professional fame.

Should your arrangements permit, the members of the bar wish to meet you at the festive board before you leave the city, and they request that you will partake, with them, a dinner on such day as your own convenience may suggest.

We are your friends,
H. J. STOW,
HORATIO SEYMOUR, JR.
S. G. HAVEN,
E. S. WARREN,
GEO. R. BABCOCK,
Committee.

To GEORGE P. BARKER, Attorney General.

Buffalo, February 14th, 1842.

To H. J. Stow, Horatio Seymour, Jr., S. G. Haven, E. S. Warren and Geo. R. Babcock, Esquires:

Gentlemen:—I had the pleasure on the 11th instant, to receive the favor of the members of the bar of Erie county, through you as their honored organ, congratulating me upon my “recent appointment to fill the responsible and honorable office of attorney general of this state” and requesting me to meet them at the festive board on such day previous to my departure as my own convenience might suggest.

I need not assure you gentlemen, how deeply and how gratefully I am impressed by this compliment, so generously designed

on the part of my brethren of the profession, and so flatteringly communicated by you, their committee.

I regret that the period to my departure from this city is so short, interrupted as it must be by duties incident thereto, that I am compelled to decline an invitation, the acceptance of which would give me so much pleasure.

The manner in which you have seen fit to allude to our professional and social intercourse, has awakened sentiments in me which I am without language to express and must content myself by simply assuring you, and those you represent, that I appreciate all your and their past and present kindness, and reciprocate all the friendship so happily expressed ; and I am fully confident that if I in any degree, possess those social virtues which you have so flatteringly conceded, it is because I have breathed the atmosphere which you created—and if I have made one step in professional advancement, it is because your example has inspired me, and your partiality cheered me.

The strong and I doubt not sincere expressions of kind regard toward me personally, contained in your communication, gives me ample proof that your social feelings are of a character too elevated and too pure to be influenced by any diversity of political sentiments or professional controversy, and fully evince that the members of the bar of Erie county are indeed legitimate members of a liberal profession.

I beg therefore, my brethren of the profession to be assured that I shall carry with me the highest respect for their talents and friendship, which will not be changed by any future vicissitude of fortune ; that my eyes will always be turned to the members of the bar of Erie county, as my earliest and best tried friends.

With best wishes for your collective and individual happiness,

I have the honor to be

Your friend,

GEO. P. BARKER.

CHAPTER VI.

Mr. Barker in common with most of the democracy of this state regarded the selection of Mr. Van Buren as the candidate at the presidential election in 1844 as an act of justice due not only to Mr. Van Buren personally, but also to the principles of the party he had represented and which had been temporarily overthrown by the great whig triumph four years before. Brought by his official position and other circumstances into intimate connection with men feeling the deepest personal interest in Mr. Van Buren's re-election to the presidency, it was natural that one of his ardent temperament should become strongly excited by events then transpiring, which were diminishing, if not certainly destroying every chance of Mr. Van Buren's obtaining the nomination of the Baltimore convention. Chief among those events was

the question of the annexation of Texas, and the position in which Mr. Van Buren had placed himself thereto. No doubt the position was taken under a clear conviction of duty. His sagacious mind foreshadowed the dangers of war with a neighboring Republic, if the annexation of Texas was urged upon grounds of sectional interest, without proper regard to the feelings of Mexico, and in violation of the ordinary rules of diplomacy. Subsequent events have shown his apprehensions were well founded; but whether Texas could have been peaceably annexed under his line of policy is a matter of conjecture, which each citizen of our government must decide.

Those, and there were many such, prominent in the democratic ranks, who coincided fully in the sentiments expressed in Mr. Van Buren's letter, considered the pressing of the question into the presidential canvass, as not required by the state of popular feeling, but as aggressive on the part of the slave holding states, with an exclusive design of strengthening sectional interests at the expense of Mr. Van Buren

and at the hazard of the success of the democratic party. It is not strange therefore, that an act, which although demanded by national considerations of great magnitude and which subsequent events proved to have been indispensable elements of the great victory achieved by the democracy, should have been viewed by those whose cherished hopes, it must disappoint, as an ungenerous contrivance to prevent Mr. Van Buren's nomination; and especially as it was impossible for them to doubt that his election would certainly follow a nomination, or to credit the sincerity of those who looking more calmly at the popular sentiment on the subject of the annexation, and therefore measuring it more accurately, declared that it was impossible for the democratic party to succeed with a candidate not unqualifiedly in favor of the measure.

The irritation incident to so great a disappointment could not be expected to subside at once into an unqualified acquiescence in the action of the convention, however wise the course of events might show that action to have been, but very

naturally showed itself in some acts of indiscretion amongst a few most warmly excited against what they deemed southern domination. The most exceptionable of these acts, more perhaps from the form of doing it than otherwise, was the getting up and confidentially distributing a letter known generally as "the secret circular," to which Mr. Barker's name was attached.

It is uncertain what degree of responsibility should be ascribed to him for this document. Probably much less than might be inferred from his high and influential party position. Indeed there is reason for supposing that he had little direct agency in its production, and that his signature to it was conceded rather to the wishes of personal friends than to the conviction of his own judgment. But however this may be, he was not a man to shrink from a responsibility which friends had brought him under, and therefore we must leave him as he chose to be left, subject to the imputation of whatever indiscretion the act may be thought to involve.

In the view I have taken of this subject I

am fully confirmed by Mr. Barker's own testimony. He "defined his position" in a speech made in Buffalo, on the evening of the 7th of September, 1844. The meeting was held for the purpose of responding to the nomination of Messrs. Wright and Gardiner, and was numerously attended by the democracy of the city. The daily *Courier*, the democratic organ of the city at that time, speaking of the speech says:—

"The speech of Gen. Barker on that occasion deserves more than the passing notice we have given it, more than the condensed report of the proceedings could embody. The circumstances under which it was made gave it a peculiar interest, and it is presumed that the same circumstances must to some extent influence his numerous friends throughout the country. His views have been so systematically misrepresented by the federal press, that it was due to them to be presented by himself to those with whom he had so long battled in behalf of the democratic cause, who had supported him through every period of his political career, who had cheered, encouraged and

countenanced his efforts on the side of human rights from his first awakening to the duty of a disciple of Jefferson, and a servant of humanity, to the last struggle in which with them he opposed the enemies of popular freedom, that they might see wherein he had strayed from the republican fold, if he had done so—that they might shield him against detraction if he still held his old place in their full confidence and esteem.

“It is needless to say that this speech, though rather the friendly converse of an old acquaintance, than any labored effort to be brilliant and oratorical, was eloquent and spirit stirring. There were passages in it that awoke the fiery enthusiasm of the old Democracy of Buffalo to a pitch that never but in the present canvass and under the circumstances could be paralleled and there were also passages that almost brought unbidden tears to the cheeks of veterans in the democratic ranks that surrounded him. It was full of feeling and truth, and went to the hearts of those who heard it.”

He commenced by alluding to the old relations he held to those he addressed, and

the pleasure it gave him to meet with and congratulate them on such an occasion. He congratulated them and the democracy of the state and the Union on the expression that had been given of their wishes by the state convention which nominated SILAS WRIGHT for governor of New York. And who was Silas Wright? He was one, in the language of the poet,

“On whom each god did seem to set his seal,
To give the world assurance of a MAN.”

He was one whose far seeing sagacity, whose deep sympathy with whatever was beautiful and true, and whose disinterested and devoted love of country had wrested from admiration, for a garland to his name, the proud title of “CATO OF AMERICA.” He was the personification of American Democracy, of that profound regard for the rights of the many, *as men*, which, glowing in the bosom of the Sage of Monticello, sparkled forth from his pen and was enshrined in the foundation of our freedom. He was one who had just turned his back upon the highest office this side of heaven, who had turned his back also, upon the

highest judicial station in the country, but who freely gave himself to the democracy of the state, feeling the holiness of their claim upon him. And the democracy of the state in the spirit of the patriarch who offered his son for a sacrifice, had nominated him to show to the Union the devotion they felt to the common cause in this great crisis of republicanism, and to assure them, that although they sustained a deep disappointment in the defeat of Mr. Van Buren at the National Convention, they gave to the worthy nominee upon whom the preference had fallen, their whole and cordial support. They gave to the democracy of their sister states for an example and encouragement, the choicest jewel in their possession as an hostage for her fidelity to the republican cause, thus assuring the triumph of the national democratic candidates. No military laurels lustered the head of this favorite son of New York, no startling incident in the history of his country was identified with his fame, but by the native dignity of his character, by the faultless purity of his public life, by his ceaseless devotion

to the common welfare, by the unvarying fidelity of his attachment to democratic principles, he stood among the very first and noblest of his nation and his age, the pride of his state and one of the pillars of his country's glory. Such was the candidate for the chief office, and such the spirit in which the nomination had been made.

He said it was with emotions of peculiar gratification that he referred to the selection of Addison Gardiner for Lieut. Governor. If any thing could add to the satisfaction the nomination of Mr. Wright had given, it was abundantly increased by the choice of Mr. G., a man of the purest character, of sterling qualities, and a democrat of that district, the old 8th, where they were born so, and hated federalism because they couldn't help it. The sentiment was innate. In Mr. G., the democracy of Western New York hailed a brother and a friend. One who in that station or any other in which he might be placed, would deserve and reciprocate their fullest confidence. This nomination added to the assurance New York had given to the rest of the Union

that her soul was in the great contest, that her vote should be bestowed on the Baltimore Democratic Nominees. These selections settled her vote and settled the triumph of the country in the elevation of Polk and Dallas to the high offices for which they had been nominated. Again he congratulated the democracy present and every where, upon the auspicious promise secured to the state and the Union by the nominations of Wright and Gardiner. He had intended to address them upon the great questions which the issue of this contest involved. He was suffering under physical debility, the consequence of previous exertion, and felt unable to do them that justice which their importance demanded. He would embrace a future opportunity to do so, and before the election would terminate, would tread his old battle ground of Erie county over again as a soldier of the war. But there was one question on which it became him to make a few remarks to them, his old personal and political friends. He would open his whole heart to them and talk with an unreserved

confidence, as though he were conversing with each by his own family fireside. The question he alluded to, it would be readily surmised was the annexation of Texas. The whig press had systematically and grossly misrepresented his views upon that subject and one or two democratic journals had seemingly given some credit to their erroneous intimations. He felt the flame of democracy burn as brightly and purely in his bosom as it had ever done, and his explanation of his sentiments would show that if he had erred, it was from *too much* and not too little of the democratic infusion—because he was in advance and not behind his party. If he *ever* fell, he would assure them that it would be at the *head* and not in the *rear* of their column. He was at peace with himself, and if he was not also at peace with his friends the fault was in his too much zeal, but he hoped better of it.

The annexation of *Texas* he regarded as a great national, a great American question. It could not, from its very nature, be a party question, because it involved none of those principles which were in issue between the

parties. If the question was merely of the extension of democratic principles it would have a different form. He regarded slavery quite in other, than the light of a blessing. That institution, as it existed, he would suffer to remain as it is under the guard of the constitution, until it be removed by the action of the states in which it exists. He should dislike the extension of slavery over the whole of a new and vast country. He wished also that the public debt of Texas should be ascertained before the union with this country should be effected. He could not commit himself with a blind and reckless disregard of what was just and right, to any terms of annexation that might possibly be offered. He thought the resolution of the Baltimore convention might have expressed more clearly the intention of its framers to sanction nothing but what was proper and just. It was liable to misrepresentation, and had been so misrepresented by our opponents. He should have liked it better, had it been more definite as to terms, expressing justice and honor instead of leaving them to be understood as conditions of the act of union.

The relations between Mexico and Texas he did not regard as insuperable obstacles. The title of the former was to be determined by her ability to enforce it, and if upon a precept to show cause she did not in a reasonable time plead recovery and possession, she was justly barred from the right to reclaim. There was a law of limitations in the code of common sense as well as in the statute books of the civil tribunals. The circumstances of the case were such that he should almost be willing to give her the length of an usual notice to quit and let that be the end of it.

He believed and felt assured that the institutions of this country might be safely extended over the entire continent, and he did not doubt, but they would be. The flight of the American Eagle might be from pole to pole, and from sea to sea, and the stars and stripes be the banner of the whole broad dominion. They would be at some future period, and he thanked God they were abundantly able to protect it. Oregon was ours, ours by discovery, by purchase and by conquest, and he was for taking pos-

session of it and making short work with the pretensions of England. He would almost rather fight England without cause than any other nation with, but there would be cause enough if she persisted in her claim to Oregon. It was ours and we would have it, because it *was* ours, even if we had no present use for it. The soil that is consecrated by the rights of liberty must never be yielded to despots. It was bought by the blood of our fathers, and the blood of those father's children should preserve it if needs be.

Texas must belong to the Union and be a part of it. Nature made it so, and man must confirm it. Its annexation was inevitable and neither could, nor ought to be prevented. The only question that could arise was upon the conditions of her coming. It was desirable to have those conditions suitable and proper, based upon equitable terms, and adjusted in a wise and liberal spirit. The adjustment of those conditions he was content to leave with the democratic party, for he was satisfied that they would be just and reasonable, and such as

would satisfy the country and do no prejudice to the national honor. It would be seen that he could not withhold his support from the democratic candidates, even if he differed with the federalists on no other subject than this. Their whole past course had been such as to show that they could not be trusted with the rights or the honor of the country. In the last war they were on the side of England, their whole policy was a British one, and even so late as within the last three or four years they had bowed the Eagle's head in the dust in obedience to that power, and even bartered away for a song the sacred soil of the republic. How then could the settlement of this great question be trusted with that party? It could not, and it was the duty of every one who wished it to be settled in a proper and equitable manner, to place the power in the hands of those whose past conduct was a guarantee that it would be wisely and righteously used.

It was seen that he was not opposed to the annexation of Texas, that he was on the contrary decidedly in favor of it, and

that in fact the only difference between him and the democratic party at large, was that he had expressed his opinion as to some of the conditions that should govern it, instead of being silent and leaving them to be broached when the time for the execution of the project came up. He had offended only in this, if he offended at all, which he could not believe. He left to his friends to say whether they approved of or condemned his views, but he could not consent to be judged by his enemies, and hoped only they would continue to abuse him, for praise from a federal tongue was the bitterest malignity of detraction.

Much had been said about a certain circular, a sort of bugbear with which the whigs had sought to frighten democrats from their propriety of demeanor, and this use of it had probably made it to be regarded as infinitely more terrible than it really was. It was never intended as the basis of a secret measure but only as the origin of a public one, if the leading democrats of the state thought there existed sufficient cause for it. It was prepared and sent at a time

when it was apprehended that there might be many honest people in the state who from a misapprehension of the views of the national convention in regard to Texas, might feel disposed to abandon the democratic platform and vote for Mr. Clay. The object of the circular was to ascertain if there were many such, and if there were, consequently a necessity of some public step to induce them to support the democratic nominees, Polk and Dallas, by showing them that that course was the only consistent or prudent one, as it certainly would have been. The whole compass of its meaning was to serve and not to injure, to unite and not to divide the democratic party. It was sent as confidential to avoid false alarm, the object being simply to inquire. If the result should show that there were doubts to remove and difficulties to heal, then a public step was to be taken to perform that office. But if, as proved to be the case, there was no danger to apprehend, then of course there was nothing to be done, and the inquiry would rest in the oblivion to which it belonged. That was the whole length and breadth of the cele-

brated secret circular. There was no gall in its chemistry until it was infused by its foes. It originated in the best intentions: from an over anxious, perhaps, but not unkindly meant solicitude for the harmony and efficiency of the democratic force. The event showed that it was not needed, perhaps that it was unwise, but it was born in good thoughts and ought not to be kept alive by bad motives. Let it sleep, in its folly if people will, but also in its innocence.

It was said by the federal press that he ought to support Mr. Clay. He support *Mr. Clay!* The thought was a libel, the suggestion a falsehood. Mr. Clay was not opposed to the annexation of Texas, he had said he would be glad to see it, and if he (Mr. B.) was as hostile to it as he was the reverse, he could not with any propriety support *him*, even throwing out of the question all the great and important issues—issues upon which he believed the destiny not only of a small territory, a few thousand inhabitants, but of this great country with its myriad people, depend for weal or woe—which were to be determined by this

election. There was but one democratic course, there was but one patriotic course, and there was but one prudent course, and there was but one honest course, and that course had been his from the first. He had not wavered the length of a line, or a hair's breadth from it; and he should carry it out, as every friend of his country, of humanity, of all, in one word, and that word democracy, he hoped would do, and that was, by supporting the democratic nominees of nation and state, with his best ability and zeal, and putting up prayers in addition, if he thought them necessary, for the success of Polk, Dallas, Wright and Gardiner.

The election resulted in the triumph of the democracy in the state and nation. The Empire State had been the battle ground of the Union. Here the orators of each party had made formidable demonstrations in favor of their respective candidates. But SILAS WRIGHT's name was a "tower of strength;" under it, the legions of democracy were invincible. The principles of the democratic party were once more plac-

ed in the ascendant. I do not purpose to allude to the administration of Mr. Polk ; —to its many important events ;—nor to the divisions in the democratic party in this state, which became more manifest after his elevation to the presidency, in other than general terms. Without dilating upon the events which produced these divisions, it is proper however, that I should state that Mr. BARKER from the first, sided warmly with the radical, or barn burning portion of the party. On every occasion which was presented he took decided and high grounds in favor of the principles of the Wilmot Proviso, and the distinctive principles of his section of the party. His labors in favor of radical democracy justly entitle him to the honor of being classed with the lamented WRIGHT and HOFFMAN. Like them, alas ! he was struck down by death in the meridian of life, and in the prime of his intellect.

CHAPTER VII.

Before alluding to Mr. Barker's career as attorney general, I shall briefly notice the difficulties which became more palpable in the democratic party in this state, during the period he held the office. I cannot make myself better understood on this point than by quoting from Mr. HAMMOND's valuable political history. Speaking of the legislature of 1843, he says:

"No material alterations were made in the New York legislature, as respects the committees of the two houses, except those caused by the election of new members, in lieu of those of last year. Mr. HOFFMAN not having been a candidate, and of course not having been re-elected, Mr. ALLEN, of Oswego, was appointed to supply his place as chairman of the committee of ways and means in the assembly.

"The state officers—consisting of SAM-

UEL YOUNG, secretary of state; A. C. FLAGG, comptroller; GEORGE P. BARKER, attorney general; THOMAS FARRINGTON, treasurer; and Mr. JONES, the surveyor general—were all of them radical in their political views, and warmly in favor of the financial act of 1842. Besides, as we have before remarked, if not opposed to the nomination of Mr. Bouck they at least acquiesced in it with coldness and some reluctance. From their standing and talents they possessed great influence in the legislature, and over the minds of the masses of the democratic party.”

* * * * *

“With men of such talents, weight of character, and political influence, comprising in theory a part of the state administration, who looked upon him with coldness, the situation of Mr. Bouck may well be considered as having been anything but that of ease and quiet.

“The state officers, as we are assured by a gentleman intimate with them all, doubted whether the governor really and cordially approved of Mr. Hoffman’s act of 1842;

and his message on that subject was not satisfactory to them, nor, as our correspondent says, to those 'who, in 1840, '41 and '42, had occupied the front of the battle against the continuation of expenditures for the extension of internal improvements, but,' he adds, 'they remained inactive.'

"By some means it came to be understood at the very commencement of Mr. Bouck's administration, that a portion of the democratic party were opposed to him. This portion was understood as acting under the advisement of the state officers. Whether such was the fact, we do not know; but we do know it was so reported, and we have reason to believe that Gov. Bouck gave some credit to the rumor. No doubt some of the applicants for office encouraged this notion, and were careful to represent themselves as friends to the governor, *par excellence*. If this disaffection was at first ideal, it soon became real, and began to be recognized. The governor, however, attempted to conciliate; and with that view generally made his appointments from candidates recommended by county

conventions, or by members of the legislature from the respective counties where the applicants resided. By adopting this course, he appointed nearly or perhaps quite as many of those who were called his opponents, as of those who were known to be his friends. In this way the governor surrendered to irresponsible county conventions and to the members of the legislature, that patronage with which the constitution had invested him. He nevertheless was held responsible by his friends for appointing those they called his enemies.

"We have never known this temporizing policy pursued with success. We like much better the course which our correspondent says Mr. Flagg pursued in the canal board. The governor should either in all his conversations and intercourse have repudiated the insinuations that the state officers and their friends were opposed to him, and waged war against the men who persisted in asserting that such was the fact; or he should have declared war against the state officers, and wielded his patronage accordingly. With such veteran

political partizans he should have seen no middle course could be taken. We hope our readers will bear in mind that we now speak of *party policy* only.

“But the controversy which grew out of the appointment of a state printer as the successor of Mr. WEED, whom it was determined to remove, (solely for party reasons,) produced the sharpest collisions, and probably had more effect in creating and perpetuating the difference between the two sections of the democratic party, and attracted more the attention of the legislature and of the public, than any other occurrence during the year 1843.”

After, at considerable length stating the history of the controversy and of the action of the legislature with reference to the public printing, Mr. Hammond goes on to say:

“On the 21st of January, a caucus of the democratic members of the two houses was held for the nomination of state printer. But before giving the result of this meeting it may be proper to state that Mr. VAN DYCK had withdrawn his name as a candi-

date for the office, and there was not in reality any candidate against Mr. CROSWELL. Those of the caucus who would not vote for Mr. Croswell, voted, without any hope of success, and we presume without any serious effort on his part, for WILLIAM C. BRYANT, of the *Evening Post*. There were 108 members present, of whom 66 voted for Mr. Croswell, 40 for Mr. Bryant, and there were two scattering votes cast.

“The next day the election was made by the two houses, in pursuance of the nomination. On the same day EBENEZER MACK, of Ithaca, formerly a senator, and author of the biography of General LAFAYETTE, was chosen printer to the senate, and Messrs. CARROL & COOK for the assembly.”

Mr. H. then alludes to the establishment of the Albany *Atlas*, in 1841, by Messrs. VANCE & WENDELL; to its transfer in 1843 to Messrs. FRENCH & CASSIDY; to the course it pursued while Mr. Van Dyck was contending with Mr. Croswell for the state printing; to the fact that on the 7th of February, 1843, Silas Wright was re-elected senator of the United States for six years

from the 4th day of March, 1843. At the caucus held on the evening before the day on which Mr. Wright was chosen, upon balloting for a candidate, his name was found written *on every ballot*. He had in fact outlived not only opposition but competition.

"The feuds that prevailed at Albany, and among the democratic members of the legislature, did not to any extent affect the people in the country counties. They were, it is true, felt in the county of Oneida; but there the hunkers seem at that time to have held a majority over both whigs and radicals. However, Mr. HORATIO SEYMOUR, who was very popular, was a candidate for the assembly from the city of Utica, and undoubtedly added great strength to the ticket; besides, we believe both parties at that time in Oneida county held themselves bound by regular nominations.

"That the divisions in Albany did not affect the election in the state, is proved by the general result. Nearly three to one of the members returned to the assembly were democrats; and in eight senatorial districts,

the democratic party succeeded in all except the eighth. The senate after this election contained twenty-six democrats and only six whigs.

Of a transaction which occurred in 1844, and which doubtless contributed considerably to widen the breach which then prevailed in the party in this state, Mr. Hammond thus speaks:

“Formerly the librarian of the state library was appointed by the governor, lieutenant governor and state officers. In the year 1842, Mr. William Cassidy, a young man who had many friends in Albany, as well on account of his own character as on that of his father, who, though little known out of Albany, with all the ardent, native benevolence of an Irishman, literally fed the hungry and clothed the naked, was appointed librarian by the votes of the state officers—Messrs. YOUNG, FLAGG and BARKER—against the votes of Governor SEWARD and lieutenant governor BRADISH. He continued to hold the office till June, 1844. But in the winter of that year an act was passed constituting the regents of the

university trustees of the state library, and transferring to them the power of appointing the librarian. It has been suggested by the friends of Mr. Cassidy, that one cause of passing this act was to procure his removal from the office. However this may be, on the first day of June, at a meeting of the regents, Mr. Cassidy was removed. We ought to have mentioned, that he had for some time before been one of the editors of the Albany *Atlas*; and it was urged, on a motion for his removal, that his time and attention were so much engaged in the management of that paper, that he did not, and could not, devote the necessary time to the proper performance of his duties as a librarian, but no specific charge of official negligence was made against him. The board of regents proper were equally divided on the question of removal. The *ex-officio* regents then present were, the secretary of state, Col. Young, and Gov. Bouck and lieutenant governor Dickinson. Mr. Young voted against the removal, and Mr. Dickinson for it. This cast the responsibility on governor Bouck of giving a

casting vote, and he gave that vote for the removal of Cassidy. The course of the governor on this question increased the hostility and irritation against him."

It would be inconsistent with my limits for me to go at length into a narration of the dissensions in the democratic party in this state. Yet, it seemed necessary to give something, by which an accurate opinion could be formed of Mr. Barker's connection with them. In a previous chapter I have given at some length, his opinions with reference to the "secret circular" and have also noticed some of the causes of its promulgation. I believe Mr. Barker was conscientiously opposed to the extension of slavery over territories now free. He regarded its influence upon the great elements of national prosperity as deleterious. He believed it was opposed to the genius of our institutions, and looked upon it as calculated to thwart all the efforts of the fathers of the Republic to establish and perpetuate the blessings of free institutions. He was a sincere believer in the doctrine of free soil for free men. He

thought with some of our wisest and best men, that free and slave labor could not flourish on the same soil. In 1847, he believed "the time had come" when opposition to slavery extension should be incorporated into the democratic platform. He felt, therefore, constrained to act zealously with the radical democracy in carrying out their principles. His conduct was, as might have been expected, rigidly scrutinized. He was bitterly denounced by some, and charged with *deserting the party*. To those acquainted with his history, this charge was regarded as frivolous, if not ridiculous. They recollect, that, when years ago, anti-masonry swept over the western portion of the state, he was fearlessly battling for democratic measures and men; that from his youth he had adhered to the party in the darkest hours; they remembered how he threw himself into the breach in 1840, against the excitement of "Tippecanoe and Tyler too"—they could not forget his enthusiastic support of the ticket in 1844, notwithstanding Mr. VAN BUREN's treatment at the Baltimore con-

vention; they could not forget how generously he had devoted his time and talents in aid of the democracy through a series of years. His course, therefore, caused most of his political friends to cling still closer to him. He identified himself with the section of the party which sustained, as he believed, the principles of true democracy. In behalf of those principles he battled with all the energy and eloquence with which he was endowed. Among the pioneers in the noble stand made by the friends of free soil against the slavery extension principle, his name must ever stand prominent. With that fearlessness and frankness so natural to him, he embarked in the struggle between antagonistic interests, and upon the issue staked his political prospects. I have often heard him speak in prophetic language with reference to the free soil movement; he predicted the day was not far distant when it would meet the cordial approval of the entire democratic party. Though firm and decided in his course, he was still courteous and kind to those who entertained different opinions.

I cannot better conclude this connection, than by noticing the Syracuse convention of 1844, which nominated Silas Wright for governor, and thereby secured the ascendancy of the democratic party in the state and nation.

Mr. Hammond alluding to it says: "The convention was held on the 14th of September, and the various counties in the state were fully represented in it.

"Mr. HEMAN J. REDFIELD, of Genesee, a hunker, was, it is said, at the request of Mr. Wright, unanimously elected President, and Judge DENIO, of Oneida, and general SAWYER, of Schoharie, with six others, were chosen vice presidents. Governor Bouck had instructed a judicious friend, who was a delegate, to withdraw his name from competition if he should think proper; and as it was soon ascertained that a large majority of the delegates were for nominating Mr. Wright, the personal friends of that gentleman urged that the name of governor Bouck should be withdrawn, they having, as was supposed, reason to believe that Mr. Wright would be dissatisfied if his name

should be used in opposition to 'any republican.' But the delegate to whom governor Bouck had given this discretionary authority, upon consulting with the other friends of Mr. B., was advised against withdrawing his name. The convention therefore proceeded to a ballot, which resulted in 95 votes for Wright and 30 for Bouck; whereupon Mr. SEYMOUR, one of the most distinguished and zealous friends of the re-nomination of governor Bouck, moved that the nomination of Mr. Wright should be declared unanimous, and the resolution was adopted without a dissenting voice. ADDISON GARDINER, late circuit judge of the eighth circuit, was unanimously nominated for lieutenant governor." * * * "By the resolutions adopted by the convention they denounced a high tariff, a national bank, the distribution of the proceeds of the public lands, &c., and they approved the resolutions adopted by the Baltimore convention. They do not allude to the annexation of Texas, other than by expressing their approbation of the principles put forth by the Baltimore convention. They prob-

ably designedly avoided any express allusion to that '*great American measure*,' because, among other reasons, their candidate for governor had voted against the Texas treaty in the senate, and since his return from Washington, and since the Baltimore convention, had declared in a speech delivered at Watertown to a mass meeting, that he was opposed to annexation."

In order to explain Mr. Barker's position on what I regard as important subjects, I have somewhat deviated from my regular narrative. I shall now briefly allude to his professional career as attorney general. Shortly after his election in February, 1842, he took up his residence in Albany, and entered upon the discharge of the responsible and delicate duties of his office. His immediate predecessors, SAMUEL BEARDSLEY and WILLIS HALL, were men of great legal ability and were peculiarly well qualified for their station. They discharged their duties in a very satisfactory manner.

All that seems strictly necessary for me to notice in this connection, is the manner

in which Mr. Barker discharged the arduous duties pertaining to his station. I infer the peculiar character of the duties of the attorney general are well understood. It is conceded that he exhibited in a pre-eminent degree those qualities for which he was noted. His intellect, as I have before remarked, shone best before a jury. In many important trials, he acquitted himself with distinguished credit, and some of his forensic efforts during his attorney generalship are acknowledged to have been among the noblest emanations from the American bar. He was necessarily brought into competition with men of the highest legal attainments, but on all occasions he sustained himself with honor. His intellect seemed to brighten by the contests and each encounter added to his fame. In the city of New York, particularly—a city noted for great professional ability, and numbering in its bar gentlemen celebrated for their soul-stirring eloquence, his commanding talents elicited from the press of both the great political parties, the warmest encomiums. Indeed, the press throughout the state

without distinction of party bore testimony to his success. His polished and kind manner rendered him popular among all with whom his official duties brought him in contact, and it is universally admitted that he honorably sustained himself throughout his entire term.

In February, 1845, the period for the election of state officers having arrived, Mr. Barker was offered a re-appointment, but he declined, and JOHN VAN BUREN, Esq., a gentleman of distinguished attainments, was elected his successor.

During the three years Mr. Barker resided in the capital, he gained the esteem of all classes, and his memory is warmly cherished by the Albanians. After his retirement from the office of attorney general, he returned to Buffalo, and resumed the practice of the law.

Since writing Mr. Barker's legislative history, my attention has been called to a letter (which I subjoin,) written by the highly esteemed President of Union College. It was addressed to Mr. Barker, and contains the most salutary advice expressed in

the most felicitous style. Additional interest will be attached to it, when I state that Dr. NOTT has always entertained the warmest feelings of friendship towards him, and when he left Union college confidently predicted his future eminence.

UNION COLLEGE, Jan. 20, 1836.

DEAR SIR:—Since I did not find you in the other day when I called, the interest I feel in your success as a public man, will be my apology for troubling you with a few observations, the observance of which may be of some use.

Do not speak often, and only on important occasions. When you do speak be brief, pertinent and stop when you have finished. Speak rather in the furtherance of your own objects than in defeating those of others. Endeavor to allay the prejudices which naturally exist between the city and the country. Be courteous on all occasions, especially in debate and to your immediate antagonists. Never indulge in personalities. Never lose your temper, nor make an enemy if you can avoid it. Conquests may be made by conciliation and persuasion as certainly as by ridicule and sarcasm, but in the one case the chains are silken and sit easy—in the other, iron and gall the wearer. Though you point your arrows never poison them; and if the club of Hercules must be raised, let it be the naked club, not entwined with serpents.

These are hints merely, but a word to the wise is sufficient. And with legislators or others, a man needs to live one life to know how to live another, and since this cannot be done literally, we can only do it in effect, by availing ourselves of the experience of others.

Wishing you every success, I am, in haste, very sincerely yours.

ELIPHALET NOTT.

CHAPTER VIII.

Mr. Barker was again appointed district attorney of Erie county in October, 1845, but his health was so impaired as to occasion interruptions in the discharge of the duties of the office.

He was for the last time brought before the people for an elective office in the spring of 1846. He was nominated by the democracy of the county as one of the candidates for election to the convention which was called to revise the constitution of this state in June of that year. The election was held in April, and although it was not perhaps contested on strict party grounds, the electors nevertheless generally voted in accordance with their political preferences. Mr. Barker ran ahead of his ticket as will be seen by the following : H. J. Stow, whig, 3308; A. Bull, do., 3265; Aaron Salisbury, do., 3299; Amos Wright, do., 3210; George

P. Barker, democrat, 2891; H. H. Barney, do., 2641; Silas Taber, do., 2572; Jonathan H. Ford, do., 2509. His vote, though a minority one, was still creditable when all the attendant circumstances are considered.

A friend of the deceased, a gentleman favorably known as a writer, furnishes the subjoined, which illustrates forcibly one of his characteristics:—

“It is easy to perceive that the public character of a man so conspicuous as was Mr. Barker must have been well known and appreciated. So frank and unguarded was his deportment that the characteristics of his private life were almost as generally known as his public career. As he was entirely destitute of all pretence, he was never guilty of inconsistency. Many of his acts might be enumerated, which he little thought would ever become subjects of printed notice, and which however trivial they may be deemed by superficial thinkers, prove the essential benevolence and generosity of his character. It is said of a certain lawyer that having taken a very sma'l fee, he was accused by his brethren of having disgraced

their profession. He replied that he had taken little because he could not get more, and that, little as it might seem, it was the whole worldly estate of his client. "This" he submitted "could not be called disgracing the profession." In such things, Mr. Barker might be termed a disgrace to his profession, but an honor to mankind. He was singularly disinterested in many of his most strenuous exertions; and if the walls of the prison could tell the annals of their various inmates, he would be known as one who, without fee or reward or the hope of any, would often devote his professional and oratorical ability to the utmost in aiding the wretched. Nor was he deficient in firmness when acting in behalf of the public.

The writer will always remember the words of a colored man, whom Mr. Barker assisted, but who underwent the extreme penalty of the law. "Mr. Barker" said he, "gives me his heart—he gives me himself. I have nothing to pay him with, but if I were the richest man in the country, he could not be more attentive to me, or exert himself more in my behalf." Such deeds

as these form his epitaph, and when the recording angel shall contradict the words on many an ostentatious tomb-stone, these so slightly known shall duly appear, as lawyers say to have been "placed on record."

The last words I heard him utter, were, when passing hurriedly through the hall, being busily occupied in the discharge of his laborious duties as district attorney, a poor woman stopped him and pleaded poverty as a reason why the county should not press a certain claim against her. Many men would have given a hasty or petulant answer. But he stopped patiently, and in the mild and kind tones of the voice we so well remember, giving each word its deliberate emphasis assured her that "if she was so poor as she said she was, he would see that the county should deal leniently with her."

How many to whom this notice may appear too trivial for publication, will read it and coolly say or think, "Well, that was just Barker's way;" whilst he who accurately observes and reflects upon the nature

of mankind will be reminded in words similar to those of Voltaire, that "these may be little matters, but they portray the character."

It now seems appropriate, that I should advert to Mr. Barker's health, which about this time began sensibly to fail. From 1833, (as I am informed by DR. CHARLES WINNE, who was for several years his attending physician,) he was subject to frequent attacks of cholic. His natural buoyancy of disposition and zeal in the professional engagements which a large private business and official duties pressed upon him, caused him to disregard generally the injurious effects of great mental and bodily exertion in a depressed state of health. During the winter, spring and summer of 1846 all the symptoms of disease seemed to be aggravated and his health was evidently much impaired. Although he made extraordinary and injurious efforts to attend to his professional duties, he was subject to repeated interruptions from the failure of his bodily strength. On the 19th of September, 1846, while in court, he was seized with a convul-

sive fit of near half an hour's duration, followed by heavy sleep. He was at the time removed from the court room into the jury room in the same building, and the necessary medical aid was rendered. In some two hours from the time of the seizure he was so far recovered as to be able to be removed to the Mansion House, where he boarded with his family. His recovery from the effects of this shock was slow, but it promised to be perfect. His mental faculties were not perceptibly impaired in their clearness, but there seemed ever after in his best state of health to be a depression that depreciated their force and effectiveness. This was more obvious after a recurrence of a similar attack, on the 20th of March, 1847. This followed a protracted labor in court of four weeks duration, in which many exciting causes were tried, and his convalescence was consequently very slow. He continued quite feeble up to the time of leaving Buffalo on a journey. He was also subject to great depression of spirits, and his mental faculties though still clear partook in a measure of the feeble-

ness of his body. In the early part of June, 1847, increased debility and a threatened renewal of spasms, induced him at the solicitation of his friends to withdraw from business and its cares, and seek for renewed health in traveling. He accordingly proceeded to Litchfield and Norwich, Connecticut, where he spent some time among Mrs. Barker's relatives; he proceeded thence to Rindge, and visited his mother, and from thence to Halifax, where he spent much time at the fishing banks. During this time his health very much improved. He was subject to no sickness, except a brief period of pain from the accident of dislocating his shoulder while on a fishing excursion. His wonted cheerfulness returned, and with it the hope that he could again pursue the profession he loved. He returned to Buffalo in August, and received the hearty congratulations of his friends on his restored health and improved appearance. He at once resumed the duties of his profession and of prosecuting attorney, (of which latter duties he had been kindly relieved by volunteering friends,)

but it was soon perceptible that a few weeks exertion had destroyed all that he had gained during his absence.

One of the last forensic efforts of Mr. Barker, was during the trial of a young midshipman named William W. Pollock, for attempting the life of Mr. ELAM R. JEWETT, one of the publishers of the Buffalo *Commercial Advertiser*. The cause was tried in Buffalo, at the September term of the Circuit Court, before Hon. R. P. MARVIN. It naturally excited deep interest throughout the city and the court room was thronged during its continuance. In the Buffalo *Republic*, I find the following sketch:—

“After considerable difficulty attendant upon getting a jury, one at last was obtained. When they were sworn, district attorney BARKER in a style peculiar to himself and with his accustomed eloquence opened the case to the jury.

He said the case was one of much interest and importance. This description of offense was one of the worst against the peace and security of society. The

prisoner at the bar, was charged with attempting the life of Mr. E. R. Jewett, one of the publishers of the *Commercial Advertiser*. The prisoner had occupied a responsible station in community. He had no personal feeling to gratify, or malice against the prisoner, but was actuated only by a desire to discharge to the best of his ability and with fearlessness, his duty as prosecuting attorney. Hon. MILLARD FILLMORE, made an eloquent address in behalf of the prisoner, after which Mr. BARKER followed for the people. He did not doubt that Mr. Fillmore felt as he ought (for he was the counsel of the prisoner) the importance of the verdict of the jury to him. He had feelings of sympathy with his fellow citizens. His was an unpleasant duty to discharge ; but believing as he did, that there had not occurred in the county of Erie, a case, the effect of an acquittal in which, would be fraught with more serious consequences to the well being of society he should discharge his duty fearlessly and fully. What gentlemen of the jury, are the facts of this case ? why, this Wm. W. Pol-

lock, the prisoner at the bar, has resided a year or more, in our city; from some feelings of resentment at the publication of an article reflecting as he thought, too harshly on his character, came into the counting room of Mr. Jewett, and after asking him a few questions regarding the responsibility of the article in question, fired a pistol at him which he drew from beneath his cloak and but for the providential interference of a pocket book and its contents, which stood between him and his intended victim, would have taken his life. This, was performed in broad day light. It was a deed that would have been more appropriate if committed at the South, where such offenses are winked at by juries; but it wanted the southern chivalry of the thing. It was as cowardly as unprovoked. Suppose the prisoner at the bar had been an unbefriended and unknown personage; would we have seen this array of distinguished counsel; this tremendous effort made to clear him? No, had it been such a case, the prisoner, would have been convicted and sentenced in a single day. The charge

had been too often made, that persons who had wealthy and influential friends, had frequently escaped with impunity, while the friendless and destitute, even if they were innocent found a ready conviction.

He trusted that in this case, guilt would not be permitted to shield itself behind talent however exalted it might be. See what a respectable physician testifies: If the shot had taken effect in the artery, near which it hit, death would have been the result. Is he not responsible for the consequences of the act? Did he not know what would result from the firing of the pistol at Mr. Jewett's body? According to Mr. F.'s argument, a man must understand the laws of anatomy perfectly, before he can be convicted of a crime like the one the prisoner was charged with; he must attend four or five courses of medical lectures. It was owing to no act or merit of the prisoner, that he was not tried for murder, his intention was good enough. Did he not select the weapon which is regarded among all nations as the most deadly—the most murderous for such an object? Was not

the prisoner in a hurry to kill his victim for fear of interruption from those in the store at the time? After he tried to shoot Mr. Jewett, did he not attempt to escape? Did this show guilt or innocence? Was he not acquainted with the instrument he fired? What was his intention in firing? That is for you to determine gentlemen of the jury. The prisoner felt injured from a certain article which appeared in Mr. Jewett's paper. Acting on that feeling he sought him in his counting room, weapon in hand, and attempted his life. The verdict they were to render in this case would exercise a great influence on public opinion. The character adduced for Mr. Pollock by the high minded and gentlemanly officers of the steamer Michigan was of an irrelevant nature. He asked the jury how they could go beyond the evidence, and admit in extenuation the previous good character of the prisoner."

It is but justice to Mr. Pollock, that I should state that though he was convicted and sentenced to the state prison at Auburn, he was, after a short time pardoned by Governor YOUNG. The principal reason for so

doing was the good character of Mr. Pollock, previous to committing the deed for which he was tried and convicted.

I come now to speak of the Syracuse democratic state convention of 1847. It was without doubt one of the most important political bodies ever convened in the Union. It was an extraordinary assemblage, whether the character of the men who composed it, or the momentous consequences which resulted from its deliberations are considered. Mr. Barker was appointed by a county convention of the democracy as one of the four delegates to represent Erie county. His associates were Messrs. H. B. RANSOM, STEPHEN HOLMES, and ISAAC POTTER. It is perhaps proper to mention that the seats of Mr. Barker and Mr. Potter were contested, but after submitting the facts to a committee of opposite views they were admitted as the regular members. The part Mr. Barker took in the proceedings of the convention was the last occasion in which he acted as a representative of his political friends. His health was precarious, but he yielded to their urgent solicitations

and accepted the appointment. The subject of the convention had attracted much attention throughout the state. The great democratic party of the state was divided. That party that for years had maintained the ascendancy in the state, and had contributed liberally to swell the national triumphs of the democracy, was rent in twain by dissensions. Democratic presses were arrayed against each other, and discussed the relative claims of the candidates with less courtesy and fairness than in speaking of their opponents. The convention assembled on the morning of the 29th of September, 1847. Rarely has such a body convened in this Union. Although it was called simply to nominate state officers, it attracted as large a concourse as if its objects were national. The capacious hall of the Empire House, presented a scene worthy of a more graphic and brilliant description than I can give. Some of the most distinguished politicians of the two sections of the democracy of the state were there;—those chieftains who had so often led the democratic hosts to battle and victory were

there ;—those veterans who had fought long and gallantly for JACKSON and VAN BUREN were there. On the side of the friends of Mr. FLAGG were many politicians distinguished for their eloquence, their skill in debate, knowledge of parliamentary customs, sarcasm, and wit. Prominent among them was JOHN VAN BUREN. This gentleman has attained so high a reputation as an orator, as to render any eulogy from me a work of supererogation. Suffice it to say that he displayed during the four days sitting of the convention, that elegance and force as a speaker, that brilliant and unrivaled sarcasm and humor, that pungency and aptness of illustration which so pre-eminently distinguish him. PRESTON KING, on the same side added greatly to the strength of his friends by his fine powers as a debater and skill as a manager. CHURCHILL C. CAMBRENG, MARTIN GROVER, GEORGE RATHBUN, JAMES S. WADSWORTH, DAVID DUDLEY FIELD, WILLIAM C. CRAIN, JAMES C. SMITH and JAMES R. DOOLITTLE, are each worthy of a notice but my limits forbid.

That section of the party who were not in favor of Mr. FLAGG's nomination nor of the distinctive principles of his friends, was well represented on this occasion. There was the eloquent JAMES T. BRADY and ROBERT H. MORRIS, of New York. There too were those adroit managers, RUFUS W. PECKHAM, HORATIO SEYMOUR, JOHN STRYKER, SQUIER UTLEY, JOHN CRAMER, and AUSBURN BIRDSALL. There were other members who concurred with these last named gentlemen politically, deserving of notice, but I cannot do so, for reasons before stated. The Press was also well represented. EDWIN CROSWELL, of the *Argus*, the ablest political editor in America, and that accomplished writer, CASSIDY, of the *Atlas*, were there. The *Tribune* and *Herald* and other papers of influence had reporters on the spot. The hall was crowded with spectators, and great interest was constantly felt in the proceedings. Much of the time of the convention was occupied with discussions on the disputed seats. The debates were of a nature well calculated to elicit eloquence, sarcasm, wit and retort.

But I cannot dwell upon them. The general results of the convention are well known and their repetition is unnecessary. Mr. Barker's course during the two days he was present, was in strict accordance with the wishes of those he represented. Although firm and decided, he was at the same time courteous and kind to his opponents. On one or two occasions he briefly addressed the convention, but his health was such as to prevent his acquitting himself with his accustomed ability. The convention continued its sittings till two o'clock on Sunday morning, October 3rd, but Mr. Barker was compelled by business engagements to return on the first. He left as his substitute, Mr. OLIVER PATCH, a gentleman who possesses considerable tact as a politician and remarkable energy.

The last political speech Mr. Barker made, was on the evening of October 20th, 1847. A meeting of his political friends in Buffalo was called for the purpose of considering the action of the Syracuse convention, and to appoint delegates to attend the mass meeting to be held at Herkimer. The

court house was crowded to its utmost capacity, and after having been enthusiastically called for, he rose and for nearly two hours enthralled the audience by the vigor of his appeals and the splendor of his diction. The fire of his youth seemed renewed. He reviewed with masterly ability the proceedings of the convention, and pointed out with great clearness and force the proper course to be pursued under the circumstances. He pronounced himself entirely and strongly in favor of confining slavery to its present limits. In short, he declared himself unequivocally in favor of the principles advocated by the section of the party to which he was attached. The speech he made on the occasion to which I refer will long be remembered by those who had the good fortune to hear it, as one of his very finest efforts. It was, as I said before, his last political speech!

CHAPTER IX.

It now became painfully evident to Mr. Barker's friends that his health was rapidly declining. A crisis was in fact, approaching. His fine countenance had become sadly changed by disease. The glow had left his cheek. The luster had faded from his eye, and the smile which was wont to play upon his lips had departed. His whole appearance presented a marked contrast with the brief period of his convalescence. These unfavorable symptoms were witnessed with alarm. He was forced to relinquish further attendance on courts about the middle of November, 1847. The last cause he argued was in the supreme court at Buffalo. In consequence of the election of Mr. SILL to the supreme court bench, the partnership which had existed between Messrs. Barker and Sill was dissolved in July, 1847, and Mr. SILL left the practice. From that pe-

riod until his death, Mr. Barker was associated with **GEORGE COIT, JR.** Esq., in the practice of the law. Among others who kindly volunteered to assist Mr. Barker in discharging the duties of district attorney, during the precarious state of his health, was **BENJAMIN H. AUSTIN**, Esq. This gentleman was elected by the people to the office he now holds, in the spring of 1847, at the first judicial election under the new constitution. Shortly after his withdrawal from court, Mr. Barker was confined to his house, and a nervous, lingering fever set in. The utmost solicitude was felt throughout the state as to the prospects of his ultimate restoration to health, and attentive friends made repeated and anxious inquiries concerning his progress. They were alternately elated by favorable and depressed by unfavorable accounts. The city papers once announced by authority his probable speedy recovery. In a few days they contained the melancholy announcement of his death! Notwithstanding the best medical skill, and the most kind and assiduous attention, he constantly failed, until death relieved his suf-

ferings, on Thursday, the 27th of January, 1848, at quarter before 11 A. M., in the 41st year of his age. He exhibited resignation during his entire sickness, and in the terminating scenes of his earthly career displayed great fortitude.

Deep sympathy was manifested everywhere as the intelligence of his demise was communicated. The feeling of regret was universal. It was not confined to formal notices from courts, nor to eulogies from his professional brethren who conceived an ornament to their profession had fallen. But the merchant in his counting house, the mechanic in his shop, the laborer leaning over his hod, and the sons of agriculture, heard the anunciation with unfeigned sorrow. The press teemed with feeling eulogies, and on every side were observed manifestations of regret.

The Recorder's court, Hon. JOSEPH G. MASTEN, presiding, was in session at the time of his death, and upon its assembling in the afternoon, SOLOMON G. HAVEN, Esq., announced the melancholy event in the following appropriate and feeling manner;

“ May it please the court—I rise to make a motion—one that a short time ago no member of this bar could foresee it would be his duty to make. Our friend—the friend of the whole bar—Gen. Barker is dead. It pleased an All-wise Providence to take him hence, and he died this morning at 11 $\frac{1}{2}$ o’clock, at his residence on Eagle street in this city. He was not only the leading counselor of this court, but a leading counselor of this state, and one who in the true spirit of a lawyer, devoted his life to the profession.

“ He was a man of learning, of genius, of eloquence, of honesty, of unsullied honor, and of great and varied ability. His heart was with his fellow men, and his sympathies with the oppressed.

“ His death in the prime of his years will not only be mourned by his family and connections, and by us his neighbors and friends, but will be felt throughout the whole state, and chronicled throughout the Union.

“ How often have all who hear me sat in this place and been charmed by his eloquence and admired his ability? Nothing but kindness and courtesy ever marked his

intercourse with us. And I am sure nothing but the deepest sorrow is felt by us all, on account of this infliction.

"I cannot now with the reflection of this event upon me pronounce his eulogy; the event itself speaks home to all of us who knew him. I can only announce his death, and move as I do—on account of the profound respect we all feel for his memory and the emotions we all possess from the recollections of this great loss—that this court do now adjourn.

A meeting of the members of the bar was held immediately after the adjournment of the court, and Hon. J. G. MASTEN, was called to the chair, and C. H. S. WILLIAMS, Esq., appointed secretary.

On motion of DYRE TILLINGHAST, Esq., a committee of seven was appointed to draft resolutions expressive of their deep regret at the mournful death of Mr. Barker, and for making arrangements for the taking of proper action with reference to attending his funeral.

The following gentlemen were named as the committee: DYRE TILLINGHAST, H. J.

**STOW, S. E. SILL, GEORGE R. BABCOCK, J.
G. MASTEN, ELI COOK.**

The adjourned meeting of the bar was held in the evening. Hon. J. G. MASTEN, was called to the chair and O. H. MARSHALL, Esq., appointed secretary. The committee appointed at the previous meeting to consider what action it was necessary to take upon the death of their late associate, reported through their chairman the following preamble and resolutions, which were unanimously adopted :

P R E A M B L E :

Whereas it hath pleased an All-wise Providence in the dispensation of his power, to strike down in our midst by the hand of death, in the very prime of life, our late brother, George P. Barker—a brother whose high-minded and honorable bearing made him an exemplar worthy of all imitation—whose varied learning and sterling integrity placed him in various public trusts at home, and finally advanced him, at an early age, to the elevated and honorable position of attorney general, in which he commanded universal confidence and esteem, and discharged its

duties with equal honor to himself and the state—one in whom there was no guile—whose whole soul was devoted to the amelioration of the condition of his fellow men; the exertion of whose giant intellect imparted instruction to all, and whose eloquence, whether in the social circle or the arena of forensic debate, was alike charming; Therefore,

Resolved—That we have heard the announcement of the death of our departed brother, with the most poignant grief and sorrow. In his death, his family have suffered a bereavement irreparable—the social circle has been deprived of a most interesting member—the legal profession has lost one of its brightest ornaments and the free institutions of our country a most faithful and powerful champion.

Resolved—That we tender to his mourning family the condolence of our heartfelt sympathies in their most afflicting bereavement.

Resolved—That we will as a testimonial of our regard for the memory of the deceased, attend his funeral in a body from his late residence on Monday next, and that

we will wear the usual badge of mourning for thirty days.

Resolved—That a copy of the proceedings of this meeting be presented to the Recorder's court of the city of Buffalo, at its present session and to the supreme court, in Erie county, with a request that they may be entered upon their respective records.

Resolved—That a copy of these proceedings be presented to the family of the deceased.

Resolved—That a committee of thirteen and the chairman of this meeting, be appointed to make and execute such arrangements as may be deemed appropriate for the occasion.

The following persons were announced to compose the committee under the last resolution. Dyre Tillinghast, Hon. S. E. Sill, Hon. J. G. Masten, Hon. F. P. Stevens, Hon. H. J. Stow, Hon. H. K. Smith, B. H. Austin, G. R. Babcock, S. Caldwell, T. T. Sherwood, E. Ford, S. G. Austin, S. G. Haven, H. B. Potter.

His funeral took place on the Monday succeeding his death. In accordance with

the wishes of Mr. Barker, all unnecessary display was avoided. His remains were taken at two o'clock in the afternoon, from his late residence on West Eagle street, under the direction of a committee of the bar, to the North Presbyterian church. The streets through which the procession passed were thronged with sympathizing spectators. The spacious church itself was crowded almost to suffocation, and numbers were unable to obtain admittance. Intense grief was depicted on each countenance in the vast audience. Each individual seemed to have lost a near and dear friend. There were those present who had known and loved him for years. The oldest and most substantial, the middle aged and the youth of our citizens were well represented. JOHN C. LORD, D. D., was very appropriately selected to pronounce the funeral discourse. He had been the associate and intimate friend of Mr. Barker in early life, and though separated in after life, by their different professions, still entertained for him warm feelings of friendship and regard. In compliance with a very general

request, I have obtained the reverend gentleman's permission to publish his discourse entire. It adds fresh laurels to the reputation of its distinguished author, and is a feeling and beautiful tribute to the memory of his departed friend.

Mr. Barker's remains, upon the conclusion of the exercises, were followed by a large number of mourners in carriages and on foot, to the burial ground in the upper part of the city a little east of Main street, where they were deposited.

The appearance of Mr. Barker was very dignified and graceful; his person over six feet in height was well developed and muscular without being robust; his eyes were of a deep gray color; his features regular in their outline and faultless in proportion suggested a similarity to classic models.

He was an affectionate husband and kind father. In the selection of a partner for life he was peculiarly fortunate. Mrs. Barker, by her devotion to her husband, her elegant manners and domestic virtues gained the esteem and secured the regard of all who knew her. Her irreparable loss in the

death of her husband was universally commiserated. Their union was blessed with two promising children, a son and daughter. The former is now about thirteen and the latter seven years of age.

As a citizen, Mr. Barker was greatly beloved. His kind and polished manners; his unbounded generosity; his disinterestedness and magnanimity made him a general favorite. His integrity was unquestioned; his honor unsullied. Avarice found no place in his bosom. He estimated his compatriots in life not by their social position or worldly possessions, but by those qualities which ennoble man. He performed good actions not for the ephemeral applause they secured, but from the love of them. He knew the luxury of doing good. He was frank and courageous. He neither sought concealment or shrank from consequences. His views on all subjects affecting the interests of the city were enlarged and liberal, and in all public stations, he ever consulted the general good in preference to his own aggrandizement.

His intellect was superior to any office

he ever filled. His judgment was acute; his energy and industry uncommon; his acquirements varied and extensive, and his oratorical powers seldom equalled. The music of his voice; the animated expression of his fine features; his wonderful command of language; his gorgeous imagery and his prepossessing and dignified mein, will be retained in the memories of thousands. He was not devoid of ambition. But it was not of a selfish kind. He did not justify the maxim that "the end justifies the means." In all public stations he sustained himself with distinguished honor.

Did my limits admit, I could fill a volume with eulogies that have been pronounced upon his social and intellectual qualities.

WILLIAM CULLEN BRYANT, the Poet of America, in the following lines, briefly, but elegantly alludes to his deceased friend and political associate:—"General Barker was a man of fine talents and agreeable social qualities; his career as a public man was highly honorable, alike to his abilities, his integrity and his courage."

In a late number of the Albany *Argus*,

its gifted editor says: "A biography of General Barker will be read with interest by his numerous friends, and will be a deserved tribute to the character and public services of one of the most gifted men of our state. If there were party or personal feeling at any time, these have passed away, and those who knew the deceased only remember the noble and brilliant qualities for which he was distinguished."

Mr. HAMMOND in his able "political history" thus feelingly speaks:—"Mr. Barker's 'impulses' were always of the most kind and generous character. His heart overflowed with benevolence to all men, and he was beloved by all. Alas! he has now gone to the grave. We do not believe the man is now living who will acknowledge himself to have been personally unfriendly to George P. Barker."

No monument yet points to the visitor where all that was mortal of Mr. Barker reposes. This omission should be supplied. The marble column should be raised over his ashes, as a monument of his public efforts and genius. His memory will be cherished

without, and his good deeds will be perpetuated, but its erection will reflect credit on the "Queen City of the Lakes," and be an act of justice to the memory of a distinguished citizen.

A
FUNERAL DISCOURSE,
DELIVERED ON THE OCCASION OF THE
DEATH
OF
GEN. GEORGE P. BARKER,
AT THE
NORTH PRESBYTERIAN CHURCH,
ON THE 31ST DAY OF JANUARY, 1848;
BY
JOHN C. LORD, D. D.



S E R M O N .

“ My glory was fresh in me, and my bow was renewed in my hand and I brake the jaws of the wicked and plucked the spoil out of his teeth ; unto me men gave ear and waited and kept silence at my counsel, and they waited for me as for the rain, and they opened their mouth wide as for the latter rain ; I chose out their way and sat chief and dwelt as a king in the army, as one that comforteth the mourners, and now my soul is poured out upon me, the days of affliction have taken hold upon me.—Job 29, 20, 17, 21, 23, 25 and 16 of 30c.”

These words were uttered more than four thousand years since by the Patriarch Job in the ancient Arabia. The lapse of forty centuries has not varied the conditions of human life, or changed the character of the family of man, or materially mitigated the calamities and sorrows which are our perpetual inheritance in the pilgrimage of time. Across the chasm of one hundred and twenty generations there come to us the

prolonged echoes of the lamentations of the primitive races—of the brevity of life—the mutability of fortune—of the vanity of temporal hopes and earthly distinctions. The lessons we learn in bereavements like the one which has assembled us to-day, have been taught from the beginning, have been mournfully echoed from one age to another, and the sum of the teaching and testimony of all experience is comprehended in the brief but expressive words of inspiration “verily man at his best estate is altogether vanity.” The record of the greatest of monarchs and the wisest of men who knew the sum of all that can be conferred by wisdom, wealth or power, “vanity of vanities all is vanity” has never been impeached by his successors or contradicted by subsequent experiences in the paths of glory and greatness. Poets, orators and historians, have ever drawn the same picture of human life, of its uncertainty, its vicissitudes, its sorrows, its brevity. From the beginning, from the time of the apostacy, from the day on which the flaming sword of the Cherubim flashed across the gates

of Eden, guarding the avenue to the tree of life and barring forever all re-entrance to the terrestrial paradise, life and death have been in perpetual antagonism, ever in proximity, ever warring, and in this confused struggle in which death is always at the last victor, men have ever been warned of their false confidences and directed to higher hopes, to nobler aspirations, to another and better life.

What sum of human history is in these words—Life and Death ! what images and contrasts are suggested by them. Life is a crowded city—Death a solitary desert: Life is a glorious landscape of river and forest of mountain and valley wherein appear active forms innumerable, full of the ‘joyous sense of being’—Death is the dead sea in which no living thing moves, over which no bird of the air flies and around which are barren rocks, relieved by no verdure and upon which descendeth neither rain or dew. Whatever is dark, desolate or dreary we connect with death, whatever is bright, active, and joyous with life. Pestilence, famine and the sword are the emblems of the

one, health, plenty and peace are the symbols of the other. With the idea of death we join deformity, decay and dissolution, with that of life, beauty, vigor and happiness. So natural and permanent are these impressions in the mind of man, that God has made them the signs and shadows of the diverse conditions in the life to come. Life is the symbol of the heavenly state, to enter upon life, in the phraseology of scripture, is to come to the heavenly city, to enter its gates of pearl, to walk its golden streets, to repose by its rivers of blessedness, to unite with the redeemed throng in that eternal anthem of angels and the spirits of just men made perfect, around the throne of God, which fills the arches of heaven with ravishing melody. On the other hand death is the symbol of the perdition of ungodly men, the image of the horrors of hell, the emblem of that condition of separation and banishment where their worm dieth not and their fire is not quenched, where over the children of lust and pride, despair and darkness reign with an unchangeable dominion. In our present state of being the conditions

of another life and of a world to come can only be communicated under sensible images, the soul while a tenant of its earthly tabernacle must behold, ‘as in a glass darkly,’ eternal realities through temporal and material resemblances; so ever in the scriptures the seen and finite is made the example and shadow of the unseen and unchangeable; in the visible heavens the glory of the invisible is shadowed forth, in the darkness and corruption of the grave is the symbol of the place of final doom, in natural life is found the type of that which is eternal in natural death the emblem of that which is spiritual and unending.

To secure the life that now is, what sacrifices are made, what perils endured, what efforts undertaken; what proclamations of remedies from a thousand sources and from every quarter for the diseases which are the ministers of the king of terrors, while at the farthest, life can be prolonged but for a brief season and death comes at last with his ghastly retinue and *suddenly* no less than *certainly*; for while to the varied forms of animal and vegetable life there is usually a

season and a day, yet man knoweth not the number of his appointed months nor the bounds that he cannot pass; the SON of man cometh in such an hour as we think not, at midnight is heard the startling cry, 'Behold the Bridegroom cometh.'

And though men cannot avoid the evidences of change and death which are above, beneath and around them, which are common to every age and witnessed by every generation, yet they seek to avoid the appropriate impression, they disregard too often the solemn lessons of the divine providence, they turn away not only from the warnings of death and judgment, but also, alas, from the invitation of the gospel and the promise of eternal life through the crucified Redeemer who carried our griefs and upon whom the chastisement of our peace was laid when HE trod the 'wine press of God's wrath alone, and of the people there was none with him.' Men do not love to be reminded of their guilt or their mortality, they walk in a vain show, they call their lands after their own names, they devise, and labor, and build as though they

were to live here forever; they dream of an indefinite future in time, though standing ever by the gates of eternity, they boast themselves of to-morrow, though always at the grave's mouth, though 'Hell hath enlarged herself and opened her mouth without measure' to receive 'their glory, their pomp, and their multitude;' they say in their vain confidence, 'soul take thine ease, eat, drink and be merry,' though the messenger of death is at their doors, and the voice of doom is in their ears, 'this night thy soul shall be required of thee.'

But there are occasions, and this is one of them, when life and death, the living and the dead are brought together, when men under circumstances which enforce their attention, behold as in a glass their own image and are startled to see reflected the lineaments of death, when they are compelled to gaze upon the narrow habitation which must soon be their own, upon the closed eye, the fallen visage and sunken cheek, which are an image of what theirs shall be when God shall change their countenances and send them away. The living

and the dead are here together to-day—many living indeed, and but one dead—waiting to go to the dark and narrow house to arise no more until the voice of the Arch-angel and the trump of God shall fall upon and quicken the dull, cold ear of death. Many living and but one dead, in this vast congregation to-day—how long will it be before of all this assembly there shall be *one* living and many dead? How long before the sole survivor of this multitude shall look back to this occasion and deem it but a brief space, as it were but a day, since he sat in this house and witnessed these solemnities? And what death that shall hereafter occur will be likely to make a greater impression than that of the distinguished man whose mortal remains are before us in this house of prayer to-day? Whose reputation at forty years of age is likely to be more extensive?—whose popularity more universal?—whose personal friends more numerous and devoted?—whose prospects for the future more bright and glorious? Who in commanding intellect, in generous and noble impulses, in captivating eloquence,

in native generosity, in unsullied honor, in all those gifts of mind and graces of person which attract admiration and secure affection, is likely to excel him or leave at his death a greater circle of mourners, or afford in the day that makes the ‘grave his house,’ a more striking commentary on the words of the Holy Spirit ‘verily man at his best estate is altogether vanity’? When shall we have occasion more appropriately to utter the ancient Hebrew lamentation ‘how is the strong staff broken and the beautiful rod’? Are not the words, of the text in which the prosperity and glory of the Arabian Patriarch are portrayed, strikingly applicable to him whose last journey is to be made to-day from this house to the grave? Whose glory was ‘fresher’ than his? Whose bow was oftener renewed in his hand? Who by his hatred of oppression no less than by his office as the prosecuting counsel of the state, more frequently ‘brake the jaws of the wicked and plucked the prey out of his teeth’? To whose eloquence did men give more ‘attentive ear’ or so ‘wait and kept silence at his words’?

Who so followed by a host of friends, who waited for him as for the latter rain? Who 'chose out the way of a greater multitude' or sat more like a chief among them or 'as a king in an army'? Whose breast was more easily touched by a story of suffering or wrong, whose hand was more open to the destitute 'as one that comforteth the mourners? What greater prosperity has the shadow of death suddenly darkened? Fortunate, eminent, beloved, he was compelled, in the full tide of success, in the meridian of life, with more gained and more in prospect than is attained by one in a thousand, even of those reckoned prosperous and fortunate in the competitions of this life, to take up on a bed of sickness and of great mental and bodily anguish, the lamentation of the text "and now my soul is poured out upon me, the days of affliction have taken hold upon me." What to him were the honors he had won, when the shadows of eternity began to curtain that bed of pain? What availed then the breath of popular applause to him who was about to come into the presence of the king of

kings, to give an account of the deeds done in the body? How faded in the vision of our dying brother, these earthly and transitory honors, which shone upon his brilliant career, when he felt the need of an incorruptible crown and a heavenly inheritance? How cheaply he held the coveted distinctions of time when drawing near the confines of the unseen world and the judgment seat of Christ? How worthless were to him the glories of an earthly state, compared with the glory, honor and immortality revealed in the gospel, which is eternal life. How just must have appeared to him that powerfully expressed satire of one of the older poets, as applicable to the conflicts of the forum as of the field:

“Some men with swords may reap the field,
And plant fresh laurels where they kill,
But their strong nerves at last must yield,
They tame but one another still.

Early or late
They meet their fate
And must give up their murmuring breath,
While they pale captives creep toward death.”

With what profound humility of soul, and we hope true penitence, did our distin-

guished friend look back upon very many passages in his successful and envied career, now brought to an untimely and unexpected close. As one of his oldest and in early life, one of his most intimate friends, as one who was a fellow student with him in the school of that honorable profession of which he was afterwards a distinguished ornament, as a friend who though separated from him for years by the choice of another and humbler walk in life, yet always regarded him with affection, and watched his course and marked with interest his rising fame, I may speak perhaps more freely than another, what I think he would desire me to say upon this funeral occasion, and of those things which he had occasion to regret when he entered upon the valley of the shadow of death.

From what I have learned from those who constantly watched by the bed side of Gen. Barker during his protracted sickness, from what I have myself seen and known, I am satisfied that he felt and acknowledged with keen regret the errors, of which his bitterest enemy could not have spoken in terms

of greater severity—that the power of religious conviction was strong upon him, that it was his firm resolution if his life was spared to obey the gospel. I am persuaded from all the feelings and views manifested by him during the last months of his life that he would desire the friend and companion of his youth to say to the congregation here assembled to manifest their respect and affection for him in the last offices for the dead, not to defer and neglect the eternal interests of the soul upon pleas of wordly care, or for any enticement of pleasure or any promise of distinction and fame. His solemn convictions of the realities of the unseen life and the truth of the gospel require me to admonish you in his name that there are higher interests than those of time, that there are responsibilities to God greater even than these which arise in our relations to our fellow men, that there are duties which neglected make a death bed painful and that one smile of a reconciled God and Savior is worth in the hour of sorrow and in the article of death, more than all the applause ever gathered by ge-

nious and learning, by eloquence and art, by place and power from all the generations that have passed over the stage of life since the day of the apostacy. We do not intend in this to intimate that professional distinction, political influence and worldly fame are incompatible with a pious life and a christian profession. While the names of Chief Justice Marshall and Chancellor Kent stand in the first rank of the legal profession, while they remain the brightest stars in the constellation of American Jurists, it can never be said that true religion or fervent piety are inconsistent with the greatest success and with the highest honors. We never have endorsed that common slander against the legal profession which insinuates that high integrity and practical christianity are incompatible with the successful practice of the law. A profession which has to do with the eternal principles of justice, in their application to the relations and business of life, which has the guardianship of private and public rights, whose office it is to break the jaws of the wicked and pluck the prey out of his teeth; a profes-

sion which leads its votaries back to that '*lex suprema*' the law of God, that great first rule of right action 'prescribed by a superior power,' applicable to all worlds and to all moral agents, can have no mean, contracting or demoralizing tendency. Unworthy men may make a bad use of their legal knowledge as they may indeed of things esteemed most sacred and holy, yet that there should be immoral influences in the practice of the law is contradicted by the very nature of the profession which deals in first truths, which is engaged in the application of the universal principles of justice to cases that arise in the complicated affairs of life and the varied transactions of commerce and trade, which must ever exert upon uncorrupted minds a beneficial influence both as regards the understanding and the affections. But as men are not always led by nature to nature's God, though 'the heavens declare His glory' so those who are engaged in the affairs of law and legislation too often neglect the supreme law uttered from Sinai and are too often unmindful of that supreme Lawgiver and

Legislator who is the king eternal, and invisible, upon whose ultimate and supreme authority all governments rest, and all judicial decisions find their warrant, without which the one would be a mere usurpation and the other the arbitrary dictums of an unauthorized and irresponsible tribunal.

To his brethren of the bar of this city and county, whose generous and delicate attention to his bereaved family, whose kindness to the living and the dead, will never be forgotten by the widow and the fatherless who have sustained this irreparable loss, we think our deceased friend from his freely expressed sentiments during the last months of his life, would desire me, with all respect, to say—that the study and practice of your learned and responsible profession should always lead its votaries to the fountain of law, that the second table of the Decalogue which prescribes our relative duties, with which every jurist is constantly conversant, should lead you to the first and great commandment which exhibits the claims of God; that while guarding the rights of persons and property,

while vindicating the majesty of law and the authority of government, and while enforcing the penalties of crime, you are naturally reminded of the rights of the grand Proprietor and the Supreme Government and of the penal sanctions of the first and fundamental statute, "thou shalt have no other gods before me," the universal law which like that of gravitation in the natural world, extends throughout the entire moral universe, the golden chain that binds in one brotherhood all holy and happy intelligences, disobedience to which is the mark of separation and continued, becomes at last the evidence of judgment and perdition. I think I speak but his last thoughts, whose earthly tabernacle we are about to consign to the clods of the valleys, when I suggest that those who are engaged in the business of human tribunals, who stand at the judgment seats of earthly courts, who plead at the bar of fallible judges advocating the cause of the accused or seeking to procure their condemnation,—that they who 'break the jaws of the wicked,' above all other men are led by their office and pro-

fession to consider the grand assize, the final tribunal with its irrevocable judgments, seen in vision by the last of the apostles “and I saw a great white throne and Him that sat on it from whose face the earth and the Heaven fled away, and there was found no place for them; and I saw the dead small and great stand before God, and the books were opened and the dead were judged out of those things which were written in the books according to their works.” You are continually reminded by the business of your profession of the supreme and infallible Judge from whose decisions there are no appeals, against whose judgment lies no writ of error, no motion for reversal. You are constantly reminded by the varied responsibilities recognised by human laws that “every one of us must give an account of himself unto God, that every man at the bar of the final judgment must answer for himself, where but one Advocate is admitted to appear, where but one plea can avail; above all you are reminded of that final sentence, that eternal judgment, which separates forever, the just from the unjust,

the righteous from the wicked, which pronounces in tones which penetrate all hearts and fill all space "these shall go away into everlasting punishment, but the righteous into life eternal." To many of you these thoughts are familiar, to all they should be so, for we stand ever by the borders of the unseen world, where no steps can be retraced, no acts of pardon or remission passed, no judgment disannulled, no intercession prevail. To retain the all prevalent and only advocate at the court of Heaven, to obtain the grace and justification which as sinners we all need, to secure the patent of pardon under the broad seal of the supreme magistrate and written in the blood of the Eternal Son upon whom was laid our iniquities, should be the immediate endeavor of every hearer in this house to-day. Do we not here behold the evidence that our life is a vapor? Is there not a voice to us to-day from Heaven; a voice from the four winds, a voice from this coffin "boast not thy self of to-morrow for thou knowest not what a day shall bring forth." For that final assize where all the transactions of

time shall be reviewed, when all human judgments shall be re-examined, when every hidden thing shall be revealed and the secrets of all hearts exposed, for that day of final and fiery trial, which ‘shall try every man’s work of what sort it is.’

“ When shrivelling like a parched scroll,
The flaming heavens together roll”—

it becomes us all to be prepared, for there is no work, or wisdom, or devise or knowledge in the grave to which we hasten.— When the bow of the mighty is sundered, when the strong staff is broken, when the rod of beauty is withered, when he whose glory was fresh, who sat chief and dwelt as a king in the army is cut off in the way, when *his* light is darkened whose sun was yet in its meridian, when the strong man bows himself, should we not open our ears to the solemn teachings of such a providence and hear a voice from such a death, proclaiming ‘life is short, eternity is long’?

George Payson Barker was born on the 25th day of October, 1807, in Rindge, New Hampshire. He was descended from that old puritan stock who bent the knee to none

but God, who failing for the time in England in their contest with the tyrannies in the state and in the church, fled to the new world where they founded a free government and worshiped the Highest after the dictates of their consciences, with none to molest them or make them afraid. In his mother's line are found some of the most distinguished men in New England; he was nearly related to that celebrated clergyman, Dr. Payson, of Maine, whose praise is in all the churches. He was prepared for college in his native state, under the private tuition of a clergyman, which thirty years since was a common practice in the northern states, and he always considered this the most thorough part of his education and superior to his subsequent academical training. A portion of his collegiate life was spent at Amherst, Mass., the remainder at Union College, in this state, where he graduated in the year 1827. The same year he commenced the study of law in this city. In 1829 he was chosen clerk of the then village of Buffalo. In December, 1832, he was appointed to the responsible office of

district attorney of the county of Erie. At the general election in 1835, he was sent to the assembly of this state, an election which was the result of his great personal popularity, as the political party to which he was attached were at that time in a minority in this city and county. In 1842 he was appointed by the legislature to the honorable and highly responsible office of attorney general of this state, and there is no higher evidence of the great ability of our deceased friend than the manner in which he sustained himself in this prominent and difficult position. A young man, called from the western and comparatively obscure and neglected portion of this great commonwealth, to take the official place of *chief* among the old lawyers at the capital, who were giants in their profession in a state whose Bar and Judiciary are confessedly unrivalled on this continent, General Barker so discharged the duties of his office, and so won the esteem and affection of the Bar, the legislature, and the people, that his re-election at the close of his term, was only prevented by his positive declinature.

General Barker was distinguished by a commanding person and a most winning and courteous manner; in personal popularity he was, perhaps, without a rival in this part of the state. He was characterized by a generous disposition, which shone out in his countenance and appeared without affectation in his whole deportment. He had a hand and a heart open as day to melting charity, and while he knew how to repel those who presumed upon his characteristic courtesy, there were none so poor or so lowly as to be denied his attention or refused his sympathy. He was a ready and eloquent speaker, who felt, and made others feel, what he said; he had the instant command of his resources, yet was none the less a well read lawyer, and an able and judicious counselor. There are those who connect with fluency, readiness and eloquence, the idea of a want of research and depth; these notions of profundity and wisdom are like those which led the ancients to embody their ideas of sagacity and reflection in the symbol of an owl, the chosen bird of Minerva in the pagan My-

thology, which was after all, perhaps, intended as a quiet sarcasm upon that popular fallacy which in every age has made silence and stolidity the marks of profound thought, rather than of the stupidity in which they ordinarily originate.

The companion and associate of the deceased in his earlier studies in his profession, I can speak confidently of the fact that he read his profession with diligence, and though of a gay and convivial temperament, and led too often into associations where his time was worse than wasted, yet he endeavored to make up for this by hours taken from those commonly devoted to sleep. He was sensible of the excesses into which he was occasionally led, and never thought of justifying them, for he belonged to that noble order of men who are capable of the magnanimity of receiving a reproof and acknowledging an error. He had a nice sense of honor, and was abhorrent of all that was mean and servile, cunning and contracted. He had an ardent temperament, and his judgments of men were sometimes hasty and prejudiced, yet he was ever

ready to defend those unjustly defamed. With what lofty indignation and eloquent invective has he treated the aspersions cast upon some of his friends, by men, who, because they have never known any higher motives of action than ambition and selfishness, suppose that no purer or holier incentives can be felt by others.

These characteristics were manifest in his discharge of the duties of the office of prosecuting attorney for the people, in which he spent a large portion of his professional life. While vigilant in the prosecution of offenses, he was not disposed to urge convictions in doubtful cases, as many do under the mere influence of professional pride. He would not easily have pardoned himself the procuring of the conviction of an accused person of whose guilt he had any reasonable doubts. It was perhaps a fault of General Barker that he never accumulated property, with all the facilities he enjoyed, but so rare is this fault in men in his circumstances, and with his opportunities, that it becomes almost a virtue and will be easily pardoned by those who remember his char-

acteristic generosity. Casuists may dispute whether profusion or covetousness be the greater sin, but there can be no question as to that which is the most common and the most unamiable.

But we can dwell no longer on the characteristics of our departed brother ; he has gone to the tribunal of a just Judge, and is henceforth beyond the applause or censure of men. We shall see him no more 'till the Heavens fail ; his voice is silent in death ; his beauty shall fade in the grave ; he has 'said to corruption, thou art my father, to the worm, thou art my mother and my sister.' 'How are the mighty fallen, and the weapons of war perished, the beauty of Israel has fallen upon his high places,' 'the mighty have fallen in the midst of the battle of life' ! 'I am distressed for thee, my brother, very pleasant hast thou been unto me, but now the grave is thine house, thou hast made thy bed in darkness ; thy dwelling place is with the dead, thy soul has returned to God who gave it !'

It will be expected, perhaps, that something more should be said of the last sick-

ness of our departed friend, and of his views and feelings when the shadow of the angel of death darkened his dwelling. In fulfilling this expectation, I intend to be faithful to the living as well as the dead. In the pathetic language of the text, ‘his soul was poured out upon him, the days of affliction took hold upon him.’ Most deeply did he feel the importance of the great questions which relate to the soul and the way of salvation; most heartily did he condemn himself for all his past neglects of divine things in the knowledge of which he had been instructed by his pious mother. Most humbly did he confess himself to God for his sins of omission and commission, saying, ‘against thee and thee only have I sinned and done this evil in thy sight.’ His prayer in his last sickness was ever that of the publican at the temple, ‘God be merciful to me a sinner.’ For more than a year before his death, I am informed by his afflicted widow, he was constant in his daily perusal of the sacred scriptures. His judgments upon himself in his last sickness were most severe, and though he expressed no clear

hope of the mercy of God in Christ for which he sought with ‘strong crying and tears,’ yet we are not without hope that **HE** who hath said ‘to him that knocketh it shall be opened, and whoso judgeth himself shall not be judged,’ before whom were the prayers of his pious ancestry, and their tears ‘preserved in His bottle,’ who remembereth the covenant ‘I will be a God to thee and thy seed after thee,’ heard and accepted the petition of our dying brother, though **HE** did not vouchsafe those hope and joys which might have led others to cast their souls upon the doubtful hazard of a death bed repentance.

There was nothing in the case of our departed friend to justify or encourage any man in neglecting the affairs of the soul until the days of affliction, darkness and death. Yet we do not sorrow for him as those without hope ; we commit him to the judgment of that great Judge who will do all things well, whose mercies are as high as **Heaven**, as fathomless as the depths of the sea, and who is able to save to the uttermost; to whom also let us commend our

own souls, for we shall soon follow the distinguished man whose remains we are about to consign to the earth ; for us the silver cord of life will soon be loosed, and every one of us must soon give an account of himself unto God, and it is our prayer to the Father of Mercies that every hearer in this house may find the gate of life, may choose the better portion, may retain that Almighty Advocate who can alone plead prevailingly, and have that Judge for his friend, whose decisions are irrevocable and without appeal.

THE END.

ERRATA.—On page 33, 11th line from top, instead of “commenced on,” read “commenced the.”

On page 36, 7th line from top, instead of “occasionally ornamental,” read “occasionally inelegant.”

On page 99, 11th line from top, instead of “Hathaway,” read “Harrington.”









Barker, George P. 200399

Author Bryan, George J

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